K Great Britain.
George III.

THE TREATY—

ITS MERITS AND DEMERITS

FAIRLY DUSCUSSED AND DISPLAYED.

TRUE LOYALTY:

MERITS AND DEMERITS

FAIRLY DISCUSSED AND DISPLAYED.

TREATY

Of AMITY, COMMERCE, *and* NAVIGATION, *between His Britannick Majesty, and the United States of* America, *by their President, with advice and consent of Senate.*

HIS Britannick Majesty and the United States of *America*, being desirous by a Treaty of Amity, Commerce and Navigation to terminate their differences in such a manner, as without reference to the merits of their respective complaints and pretensions, may be the best calculated to produce mutual satisfaction and good understanding: And also to regulate the Commerce and Navigation between their respective countries, territories and people, in such a manner as to render the same reciprocally beneficial and satisfactory; they have, respectively, named their Plenipotentiaries, and given them full powers to treat of, and conclude, the said Treaty, that is to say; His Britannic Majesty has named for his Plenipotentiary, the Right Honourable William Wyndham Baron Grenville of Wotton, one of his Majesty's Privy Council, and his Majesty's principal Secretary of State for Foreign Affairs; and the President of the United States, by and with the advice and consent of the Senate thereof, hath appointed for their Plenipotentiary, the Honourable John Jay, Chief Justice of the said United States and their Envoy Extraordinary to his Majesty, who have agreed on, and concluded the following articles;

ARTICLE I. There shall be a firm, inviolable and universal peace, and a true and sincere friendship between his Britannick Majesty, his heirs and successors, and the United States of America; and between their respective countries, territories, cities, towns and people of every degree, without exception of persons or places.

ART.

ART. II. His Majeſty will withdraw all his troops and garriſons from all poſts and places within the boundary line aſſigned by the Treaty of peace to the United States. This evacuation ſhall take place on or before the firſt day of June, one thouſand ſeven hundred and ninety-ſix, and all the proper meaſures ſhall in the interval be taken by concert between the government of the United States, and his Majeſty's Governor General in America, for ſettling the previous arrangements which may be neceſſary reſpecting the delivery of the ſaid poſts: The United States in the mean time at their diſcretion, extending their ſettlements to any part within the ſaid boundary line, except within the precincts or juriſdiction of any of the ſaid poſts. All ſettlers and traders, within the precincts or juriſdiction of the ſaid Poſts, ſhall continue to enjoy, unmoleſted, all their property of every kind, and ſhall be protected therein. They ſhall be at full liberty to remain there, or to remove with all or any part of their effects; and it ſhall alſo be free to them to ſell their lands, houſes, or effects, or to retain the property thereof, at their diſcretion; ſuch of them as ſhall continue to reſide within the ſaid boundary lines ſhall not be compelled to become citizens of the United States, or to take any oath of allegiance to the government thereof, but they ſhall be at full liberty ſo to do, if they think proper, and they ſhall make and declare their election within one year, after the evacuation aforeſaid. And all perſons who ſhall continue there after the expiration of the ſaid year, without having declared their intention of remaining ſubjects of his Britannick Majeſty, ſhall be conſidered as having elected to become citizens of the United States.

ART. III. It is agreed that it ſhall at all times be free to his Majeſty's ſubjects, and to the citizens of the United States, and alſo to the Indians dwelling on either ſide of the ſaid boundary line, freely to paſs and repaſs by land or inland navigation, into the reſpective territories and countries of the two parties on the continent of *America* [the country within the limits of the *Hudſon's Bay Company* only excepted] and to navigate all the Lakes, Rivers, and waters thereof, and freely to carry on Trade and Commerce with each other.

other. But it is underſtood, that this Article does not extend to the admiſſion of veſſels of the United States into the Sea Ports, Harbours, Bays, or Creeks of his Majeſty's ſaid territories; nor into ſuch parts of the Rivers in his Majeſty's ſaid territories as are between the mouth thereof, and the higheſt port of entry from the Sea, except in ſmall veſſels trading *bona fide* between Montreal and Quebec, under ſuch regulations as ſhall be eſtabliſhed to prevent the poſſibility of any frauds in this reſpect. Nor to the admiſſion of Britiſh veſſels from the Sea into the Rivers of the United States, beyond the higheſt Ports of entry for foreign veſſels from the Sea. The River Miſſiſippi ſhall, however, according to the Treaty of Peace, be entirely open to both parties; and it is further agreed, that all the ports and places on its Eaſtern ſide, to whichſoever of the parties belonging, may freely be reſorted to, and uſed by both parties, in as ample a manner as any of the Atlantic ports or places of the United States, or any of the ports or places of his Majeſty in Great-Britain.

All goods and merchandize whoſe importation into his Majeſty's ſaid territories in *America*, ſhall not be entirely prohibited, may freely, for the purpoſes of Commerce, be carried into the ſame in the manner aforeſaid, by the citizens of the United States, and ſuch goods and merchandize ſhall be ſubject to no higher or other duties than would be payable by his Majeſty's ſubjects on the importation of the ſame from *Europe* into the ſaid territories. And in like manner, all goods and merchandize whoſe importation into the United States ſhall not be wholly prohibited, may freely, for the purpoſes of Commerce, be carried into the ſame, in the manner aforeſaid, by his Majeſty's ſubjects, and ſuch goods and merchandize ſhall be ſubject to no higher or other duties than would be payable by the citizens of the United States on the importation of the ſame in American veſſels into the Atlantic ports of the ſaid States. And all goods not prohibited to be exported from the ſaid territories, reſpectively, may in like manner be carried out of the ſame by the two parties reſpectively, paying duty as aforeſaid.

No duty of entry ſhall ever be levied by either party on peltries brought by land, or inland navigation into the ſaid territories ref-

reſpectively

pectively, nor ſhall the Indians paſſing or re-paſſing with their own proper goods and effects of whatever nature, pay for the ſame any impoſt or duty whatever. But goods in bales, or other large packages unuſual among Indians ſhall not be conſidered as goods belonging *bona fide* to Indians.

No higher or other tolls or rates of ferriage than what are or ſhall be payable by natives, ſhall be demanded on either ſide; and no duties ſhall be payable on any goods which ſhall merely be carried over any of the portages or carrying places on either ſide, for the purpoſe of being immediately reimbarked and carried to ſome other place or places. But as by this ſtipulation it is only meant to ſecure to each party a free paſſage acroſs the portages on both ſides, it is agreed, that this exemption from duty ſhall extend only to ſuch goods as are carried in the uſual and direct road acroſs the portage, and are not attempted to be in any manner ſold or exchanged during their paſſage acroſs the ſame, and proper regulations may be eſtabliſhed to prevent the poſſibility of any frauds in this reſpect.

As this article is intended to render in a great degree the local advantages of each party common to both, and thereby to promote a diſpoſition favourable to friendſhip and good neighbourhood, it is agreed, that the reſpective Governments will mutually promote this amicable intercourſe, by cauſing ſpeedy and impartial juſtice to be done, and neceſſary protection to be extended to all who may be concerned therein.

ART. IV. Whereas it is uncertain whether the River Miſſiſippi extends ſo far to the Northward as to be interſected by a line to be drawn due Weſt from the Lake of the Woods in the manner mentioned in the Treaty of Peace between his Majeſty and the United States, it is agreed, that meaſures ſhall be taken in concert between his Majeſty's government in *America*, and the government of the United States for making a joint ſurvey of the ſaid river from one degree of latitude below the Falls of *St. Anthony*, to the principal ſource or ſources of the ſaid river, and alſo of the parts adjacent thereto; and that if on the reſult of ſuch ſurvey, it ſhould appear that the ſaid

river

river would not be interſected by ſuch a line as is above-mentioned, the two parties will thereupon proceed by amicable negociation to regulate the boundary line in that quarter, as well as all other points to be adjuſted between the ſaid parties, according to juſtice and mutual convenience, and in conformity to the intent of the ſaid Treaty.

ART. V. Whereas doubts have ariſen what river was truly intended under the name of the river *St. Croix*, mentioned in the ſaid Treaty of Peace, and forming a part of the boundary therein deſcribed, that queſtion ſhall be referred to the final deciſion of Commiſſioners to be appointed in the following manner, viz.

One Commiſſioner ſhall be named by his Majeſty, and one by the Preſident of the United States, by and with the advice and conſent of the Senate thereof, and the ſaid two Commiſſioners ſhall agree on the choice of a third; or if they cannot ſo agree, they ſhall each propoſe one perſon, and of the two names ſo propoſed, one ſhall be drawn by lot in the preſence of the two original Commiſſioners. And the three Commiſſioners ſo appointed, ſhall be ſworn impartially to examine and decide the ſaid queſtion according to ſuch evidence as ſhall reſpectively be laid before them on the part of the Britiſh Government and of the United States. The ſaid Commiſſioners ſhall meet at Halifax, and ſhall have power to adjourn to ſuch other place or places as they ſhall think fit. They ſhall have power to appoint a Secretary, and to employ ſuch ſurveyors or other perſons as they ſhall judge neceſſary. The ſaid Commiſſioners ſhall by a declaration under their hands and ſeals decide what river is the River *St. Croix* intended by the Treaty. The ſaid declaration ſhall contain a deſcription of the ſaid river, and ſhall particularize the latitude and longitude of its mouth and of its ſource. Duplicates of this declaration and of the ſtatements of their accounts, and of the journal of their proceedings ſhall be delivered by them to the Agent of his Majeſty and to the Agent of the United States, who may be reſpectively appointed and authorized to manage the buſineſs on behalf of the reſpective Governments. And both parties

agree

agree to conſider ſuch deciſion as final and concluſive, ſo as that the ſame ſhall never thereafter be called into queſtion, or made the ſubject of diſpute or difference between them.

Art. VI. Whereas it is alledged by divers Britiſh merchants and others his Majeſty's ſubjects, that debts to conſiderable amount, which were *bona fide* contracted before the peace, ſtill remain owing to them by citizens or inhabitants of the United States, and by the operation of various lawful impediments ſince the peace, not only the full recovery of the ſaid debts has been delayed, but alſo the value and ſecurity thereof have been, in ſeveral inſtances, impaired and leſſened, ſo that by the ordinary courſe of judicial proceedings the Britiſh creditors cannot now obtain, and actually have and receive full and adequate compenſation for the loſſes and damages which they have thereby ſuſtained: It is agreed, that in all ſuch caſes where full compenſation for ſuch loſſes and damages cannot for whatever reaſon be actually obtained, had and received by the ſaid creditors in the ordinary courſe of juſtice, the United States will make full and complete compenſation for the ſame to the ſaid creditors: But it is diſtinctly underſtood, that this proviſion is to extend to ſuch loſſes only as have been occaſioned by the lawful impediments aforeſaid, and is not to extend to loſſes occaſioned by ſuch inſolvency of the debtors, or other cauſes as would equally have operated to produce ſuch loſs, if the ſaid impediments had not exiſted, nor to ſuch loſſes or damages as have been occaſioned by the manifeſt delay or negligence, or wilful omiſſion of the claimant.

For the purpoſe of aſcertaining the amount of any ſuch loſſes and damages, five Commiſſioners ſhall be appointed, and authorized to meet and act in manner following, viz. Two of them ſhall be appointed by his Majeſty, two of them by the Preſident of the United States by and with the advice and conſent of the Senate thereof, and the fifth by the unanimous voice of the other four; and if they ſhould not agree in ſuch choice, then the Commiſſioners named by the two parties ſhall reſpectively propoſe one perſon, and of the two names ſo propoſed, one ſhall be drawn by lot in the preſence of the four

original

original Commiſſioners. When the five Commiſſioners thus appointed ſhall firſt meet, they ſhall, before they proceed to act reſpectively, take the following oath or affirmation, in the preſence of each other, which oath or affirmation being ſo taken and duly atteſted, ſhall be entered on the record of their proceedings, viz.—I, A. B. one of the Commiſſioners appointed in purſuance of the 6th Article of the Treaty of Amity, Commerce, and Navigation, between his Britannick Majeſty and the United States of *America* do ſolemnly ſwear, or affirm, that I will honeſtly, diligently, impartially, and carefully examine, and to the beſt of my judgment, according to juſtice and equity, decide all ſuch complaints, as under the ſaid articles ſhall be preferred to the ſaid Commiſſioners; and that I will forbear to act as a Commiſſioner in any caſe in which I may be perſonally intereſted.

Three of the ſaid Commiſſioners ſhall conſtitute a board, and ſhall have power to do any act appertaining to the ſaid Commiſſion, provided that one of the Commiſſioners named on each ſide, and the fifth Commiſſioner ſhall be preſent, and all deciſions ſhall be made by the majority of the voices of the Commiſſioners then preſent; eighteen months from the day on which the ſaid Commiſſioners ſhall form a board, and be ready to proceed to buſineſs, are aſſigned for receiving complaints, and applications; but they are nevertheleſs authorized in any particular caſes in which it ſhall appear to them to be reaſonable and juſt, to extend the ſaid term of eighteen months, for any term not exceeding ſix months, after the expiration thereof. The ſaid Commiſſioners ſhall firſt meet at *Philadelphia*, but they ſhall have power to adjourn from place to place as they ſhall ſee cauſe.

The ſaid Commiſſioners in examining the complaints and applications ſo perferred to them, are empowered and required, in purſuance of the true intent and meaning of this article, to take into their conſideration all claims, whether of principal or intereſt, or balances of principal and intereſt, and to determine the ſame reſpectively, according to the merits of the ſeveral caſes, due regard being had to all the circumſtances thereof, and as equity and juſtice ſhall appear to them to require. And the ſaid Commiſſioners ſhall have power

to examine all such persons as shall come before them on oath or affirmation touching the premises; and also to receive in evidence according as they may think most consistent with equity and justice, all written depositions, or books, or papers, or copies, or extracts thereof, every such deposition, book, or copy, or extract being duly authenticated, either according to the legal forms now respectively existing in the two countries, or in such other manner as the said Commissioners shall see cause to require or allow.

The award of the said Commissioners or of any three of them as aforesaid, shall in all cases be final and conclusive, both as to the justice of the claim, and to the amount of the sum to be paid to the creditor or claimant: And the United States undertake to cause the sum so awarded to be paid in specie to such creditor or claimant without deduction; and at such time or times, and at such place or places as shall be awarded by the said Commissioners; and on condition of such releases or assignments to be given by the creditor or claimant, as by the said Commissioners may be directed: Provided always, that no such payment shall be fixed by the said Commissioners to take place sooner than twelve months from the day of the exchange of the ratifications of this Treaty.

Art. VII. Whereas complaints have been made by divers merchants and others, citizens of the United States, that during the course of the war in which his Majesty is now engaged, they have sustained considerable losses and damage, by reason of irregular or illegal captures or condemnations of their vessels and other property under colour of authority or commissions from his Majesty, and that from various circumstances belonging to the said cases, adequate compensation for the losses and damages so sustained cannot now be actually obtained, had and received by the ordinary course of judicial proceedings; it is agreed, that in all such cases where adequate compensation cannot, for whatever reason, be now actually obtained, had and received by the said merchants and others in the ordinary course of justice, full and complete compensation for the same will be made by the British Government to the said complainants. But it is distinctly understood that this provision is not

to

to extend to ſuch loſſes or damages as have been occaſioned by the manifeſt delay or negligence, or wilful omiſſion of the claimants.

That for the purpoſe of aſcertaining the amount of any ſuch loſſes and damages, five Commiſſioners ſhall be appointed and authorized to act in *London*, exactly in the manner directed with reſpect to thoſe mentioned in the preceding article, and after having taken the ſame oath or affirmation *(mutatis mutandis)* the ſame term of eighteen months is alſo aſſigned for the reception of claims, and they are in like manner authorized to extend the ſame in particular caſes. They ſhall receive teſtimony, books, papers and evidence in the ſame latitude, and exerciſe the like diſcretion and powers reſpecting that ſubject; and ſhall decide the claims in queſtion according to the merits of the ſeveral caſes, and to juſtice, equity, and the laws of nations. The award of the ſaid Commiſſioners, or any ſuch three of them as aforeſaid, ſhall, in all caſes be final and concluſive, both as to the juſtice of the claim, and the amount of the ſum to be paid to the claimant; and his Britannic Majeſty undertakes to cauſe the ſame to be paid to ſuch claimant in ſpecie, without any deduction, at ſuch place or places, and at ſuch time or times as ſhall be awarded by the ſaid Commiſſioners, and on condition of ſuch releaſes or aſſignments to be given by the claimants, as by the ſaid Commiſſioners may be directed.

And whereas certain merchants and others his Majeſty's ſubjects complain that in the courſe of the war they have ſuſtained loſs and damage by reaſon of the capture of the veſſels and merchandize taken within the limits and juriſdiction of the ſtates and brought into the ports of the ſame, or taken by veſſels originally armed in ports of the ſaid ſtates;

It is agreed that in all ſuch caſes where reſtitution ſhall not have been made agreeably to the tenor of the letter from Mr. JEFFERSON to Mr. HAMMOND, dated at *Philadelphia* Sept. 5, 1793, a copy of which is annexed to this Treaty; the complaints of the parties ſhall be and hereby are referred to the Commiſſioners to be appointed by virtue of this article, who are hereby authorized and required to proceed

ceed in the like manner relative to theſe as to the other caſes committed to them; and the United States undertake to pay to the complainants or claimants in ſpecie, without deduction, the amount of ſuch ſums as ſhall be awarded to them reſpectively by the ſaid Commiſſioners, and at the times and places which in ſuch awards ſhall be ſpecified; and on conditions of ſuch releaſes or aſſignments to be given by the claimants as in the ſaid awards may be directed: And it is further agreed that not only the now exiſting caſes of both deſcriptions but alſo all ſuch as ſhall exiſt at the time of exchanging the ratifications of this Treaty ſhall be conſidered as being within the proviſions, intent and meaning of this article.

Art. VIII. It is further agreed, that the Commiſſioners mentioned in this and in the two preceding articles ſhall be reſpectively paid in ſuch manner as ſhall be agreed between the two parties; ſuch agreement being to be ſettled at the time of the exchange of the ratifications of this Treaty. All other expences attending the ſaid commiſſions ſhall be defrayed jointly by the two parties, the ſame being previouſly aſcertained and allowed by the majority of the Commiſſioners. And in caſe of death, ſickneſs or neceſſary abſence, the place of every ſuch Commiſſioner reſpectively ſhall be ſupplied in the ſame manner as ſuch Commiſſioner was firſt appointed, and the new Commiſſioners ſhall take the ſame oath or affirmation and do the ſame duties.

Art. IX. It is agreed that Britiſh ſubjects who now hold lands in the territories of the United States, and American citizens who now hold lands in the dominions of his Majeſty ſhall continue to hold them according to the nature and tenure of their reſpective eſtates and titles the rein; and may grant, ſell or deviſe the ſame to whom they pleaſe, in like manner as if they were natives; and that neither they nor their heirs or aſſigns ſhall ſo far as may reſpect the ſaid lands and the legal remedies incident thereto, be regarded as aliens.

Art. X. Neither the debts due from individuals of the one nation to individuals of the other, nor ſhares nor monies which they

may

may have in the public funds, or in the public or private banks ſhall ever in any event of war or national differences be ſequeſtered or confiſcated, it being unjuſt and impolitic that debts and engagements contracted and made by individuals having confidence in each other, and in their reſpective governments ſhould ever be deſtroyed or impaired by national authority, on account of national differences and diſcontents.

ART. XI. It is agreed between his Majeſty and the United States of America, that there ſhall be a reciprocal and entirely perfect liberty of navigation and commerce between their reſpective people, in the manner, under the limitations and on the conditions ſpecified in the following articles:

ART. XII. His Majeſty conſents that it ſhall and may be lawful during the time hereinafter limited, for the citizens of the United States to carry to any of his Majeſty's iſlands and ports in the Weſt-Indies from the United States, in their own veſſels, not being above the burthen of 70 tons, any goods or merchandizes being of the growth, manufacture or produce of the ſaid States, which it is or may be lawful to carry to the ſaid iſlands or ports from the ſaid States, in Britiſh veſſels; and that the ſaid American veſſels ſhall be ſubject there to no other or higher tonnage duties or charges than ſhall be payable by Britiſh veſſels in the ports of the United States; and that the cargoes of the ſaid American veſſels ſhall be ſubject there to no other or higher duties or charges than ſhall be payable on the like articles if imported there from the ſaid States in Britiſh veſſels.

And his Majeſty alſo conſents that it ſhall be lawful for the ſaid American citizens to purchaſe, load and carry away in their ſaid veſſels to the United States, from the ſaid iſlands and ports, all ſuch articles, being of the growth, manufacture or produce of the ſaid iſlands, as may now by law be carried from thence to the ſaid States in Britiſh veſſels, and ſubject only to the ſame duties and charges on exportation, to which Britiſh veſſels and their cargoes are or ſhall be ſubject in ſimilar circumſtances.

Provided

Provided always, that the ſaid American veſſels do carry and land their cargoes in the United States only, it being expreſsly agreed and declared, that during the continuance of this article, the United States will prohibit and reſtrain the carrying any molaſſes, ſugar, coffee, cocoa, or cotton, in American veſſels, either from his Majeſty's Iſlands or from the United States, to any part of the world, except the United States, reaſonable ſea ſtores excepted. Provided alſo, that it ſhall and may be lawful, during the ſame period, for Britiſh veſſels to import from the ſaid iſlands into the United States, and to export from the United States to the ſaid iſlands, all articles whatever, being of the growth, produce, or manufacture of the ſaid iſlands, or of the United States reſpectively, which now may, by the laws of the ſaid States, be ſo imported and exported. And that the cargoes of the ſaid Britiſh veſſels ſhall be ſubject to no other or higher duties or charges, than ſhall be payable on the ſame articles if ſo imported or exported in American veſſels:

It is agreed, that this article, and every matter and thing therein contained ſhall continue to be in force during the continuance of the war in which his Majeſty is now engaged; and alſo for two years from and after the day of the ſignature of the preliminary or other articles of peace by which the ſame may be terminated.

And it is further agreed, that at the expiration of the ſaid term, the two contracting parties will endeavour further to regulate their commerce in this reſpect according to the ſituation in which his Majeſty may then find himſelf with reſpect to the Weſt-Indies, and with a view to ſuch arrangements as may beſt conduce to the mutual advantage and extenſion of commerce. And the ſaid parties will then alſo renew their diſcuſſions, and endeavour to agree, whether in any and what caſes, neutral veſſels ſhall protect enemy's property; and in what caſes proviſions and other articles, not generally contraband, may become ſuch. But in the mean time their conduct towards each other in theſe reſpects, ſhall be regulated by the articles hereinafter inſerted on thoſe ſubjects.

ART. XIII. His Majeſty conſents that the veſſels belonging to the citizens of the United States of America ſhall be admitted and hoſpitably received in all the ſea-ports and harbours of the Britiſh territories in the Eaſt-Indies. And that the citizens of the ſaid United States may freely carry on a trade between the ſaid territories and the ſaid United States in all articles of which the importation or exportation reſpectively to or from the ſaid territories, ſhall not be entirely prohibited. Provided only, that it ſhall not be lawful for them in any time of war between the Britiſh Government, and any other power or ſtate whatever, to export from the ſaid territories, without the ſpecial permiſſion of the Britiſh Government there, any Military Stores or Naval Stores or Rice. The citizens of the United States ſhall pay for their veſſels when admitted into the ſaid ports, no other or higher tonnage duty than ſhall be payable on Btitiſh veſſels, when admitted into the ports of the United States. And they ſhall pay no other or higher duties or charges on the importation or exportation of the cargoes of the ſaid veſſels, than ſhall be payable on the ſame articles when imported or exported in Britiſh veſſels. But it is expreſsly agreed, that the veſſels of the United States ſhall not carry any of the articles exported by them from the ſaid Britiſh territories to any port or place except to ſome port or place in America, where the ſame ſhall be unladen, and ſuch regulations ſhall be adopted by both parties, as ſhall from time to time be found neceſſary to enforce the due and faithful obſervance of this ſtipulation. It is alſo underſtood, that the permiſſion granted by this article is not to extend to allow the veſſels of the United States to carry on any part of the coaſting-trade of the ſaid Britiſh territories; but veſſels going with their original cargoes, or part thereof, from one port of diſcharge to another, are not to be conſidered as carrying on the coaſting-trade. Neither is this article to be conſtrued to allow the citizens of the ſaid States to ſettle or reſide within the ſaid territories, or to go into the interior parts thereof, without the permiſſion of the Britiſh Government eſtabliſhed there; and if any tranſgreſſion ſhall be attempted againſt the regulations of the Britiſh Government in this reſpect, the

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obſervance of the ſame ſhall and may be enforced againſt the citizens of America, in the ſame manner as againſt Britiſh ſubjects or others tranſgreſſing the ſame rule. And the citizens of the United States whenever they arrive in any port or harbor in the ſaid territories, or if they ſhould be permitted in manner aforeſaid, to go to any other place therein, ſhall always be ſubject to the laws, government and juriſdiction of what nature eſtabliſhed in ſuch harbour, port or place, according as the ſame may be: The citizens of the United States may alſo touch for refreſhment at the iſland of St. Helena, but ſubject in all reſpects to ſuch regulations as the Britiſh Government may from time to time eſtabliſh there.

Art. XIV. There ſhall be between all the dominions of his Majeſty in Europe, and the territories of the United States, a reciprocal and perfect liberty of commerce and navigation. The people and inhabitants of the two countries reſpectively ſhall have liberty freely and ſecurely, and without hindrance and moleſtation to come with their ſhips and cargoes to the lands, countries, cities, ports, places and rivers within the dominions and territories aforeſaid, to enter into the ſame, to reſort there, and to remain and reſide there, without any limitation of time: Alſo to hire and poſſeſs houſes and warehouſes for the purpoſes of their commerce, and generally the merchants and traders on each ſide ſhall enjoy the moſt complete protection and ſecurity for their commerce; but ſubject always as to what reſpects this article to the laws and ſtatutes of the two countries reſpectively.

Art. XV. It is agreed that no other or higher duties ſhall be paid by the ſhips or merchandize of the one party in the ports of the other, than ſuch as are paid by the like veſſels or merchandize of all other nations. Nor ſhall any other or higher duty be impoſed in one country, on the importation of any articles of the growth, produce or manufacture of the other, than are or ſhall be payable on the importation of the like articles, being of the growth, produce, or manufacture of any other foreign country. Nor ſhall any prohibition be impoſed on the exportation or importation of any articles to

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or from the territories of the two parties reſpectively, which ſhall not equally extend to all other nations.

But the Britiſh Government reſerves to itſelf the right of impoſing on American veſſels entering into the Britiſh ports in *Europe* a tonnage duty equal to that which ſhall be payable by Britiſh veſſels in the ports of America: And alſo ſuch duty as may be adequate to countervail the difference of duty now payable on the importation of European and Aſiatic goods when imported into the United States in Britiſh or in American veſſels.

The two parties agree to treat for the more exact equalization of the duties on the reſpective navigation of their ſubjects and people in ſuch manner as may be moſt beneficial to the two countries. The arrangements for this purpoſe ſhall be made at the ſame time with thoſe mentioned at the concluſion of the 12th article of this treaty, and are to be conſidered as a part thereof. In the interval it is agreed, that the United States will not impoſe any new or additional tonnage duties on Britiſh veſſels, nor increaſe the now ſubſiſting difference between the duties payable on the importation of any articles in Britiſh or in American veſſels.

ART. XVI. It ſhall be free for the two contracting parties, reſpectively to appoint Conſuls for the protection of trade, to reſide in the dominions and territories aforeſaid, and the ſaid Conſuls ſhall enjoy thoſe liberties and rights which belong to them by reaſon of their function. But before any Conſul ſhall act as ſuch he ſhall be in the uſual forms approved and admited by the party to whom he is ſent; and it is hereby declared to be lawful and proper, that in caſe of illegal or improper conduct towards the laws or government a Conſul may either be puniſhed according to law, if the laws will reach the caſe, or be diſmiſſed, or even ſent back, the offended government aſſigning to the other their reaſons for the ſame.

Either of the parties may except from the reſidence of Conſuls ſuch particular places as ſuch party ſhall judge proper to be ſo excuted.

ART. XVII. It is agreed, that in all caſes where veſſels ſhall be captured or detained on juſt ſuſpicion of having on board enemy's property, or of carrying to the enemy any of the articles which are contraband of war; the ſaid veſſel ſhall be brought to the neareſt or moſt convenient port; and if any property of an enemy ſhould be found on board ſuch veſſel, that part only which belongs to the enemy ſhall be made prize, and the veſſel ſhall be at liberty to proceed with the remainder without any impediment. And it is agreed, that all proper meaſures ſhall be taken to prevent delay, in deciding the caſes of ſhips or cargoes ſo brought in for adjudication; and in the payment or recovery of any indemnification adjudged or agreed to be paid to the maſters or owners of ſuch ſhips.

ART. XVIII. In order to regulate what is in future to be deemed contraband of war, it is agreed, that under the ſaid denomination ſhall be comprized all arms and implements ſerving for the purpoſes of war, by land or ſea, ſuch as cannon, muſkets, mortars, petards, bombs, grenadoes, carcaſſes, fauciſſes, carriages for cannon, muſket reſts, bandoliers, gun-powder, match, ſalt-petre, ball, pikes, ſwords, head pieces, cuiraſſes, halberts, lances, javelins, horſe furniture, holſters, belts, and generally all other implements of war; as alſo timber for ſhip-building, tar or rozin, copper in ſheets, ſails, hemp and cordage, and generally whatever may ſerve directly to the equipment of veſſels, unwrought iron and fir planks only excepted; and all the above articles are hereby declared to be juſt objects of confiſcation, whenever they are attempted to be carried to an enemy.

And whereas the difficulty of agreeing on the preciſe caſes in which alone proviſions and other articles not generally contraband, may be regarded as ſuch, renders it expedient to provide againſt the inconveniencies and miſunderſtandings which might thence ariſe: It is further agreed, that whenever any ſuch articles ſo becoming contraband, according to the exiſting law of nations, ſhall for that reaſon be ſeized, the ſame ſhall not be confiſcated, but the owners thereof ſhall be ſpeedily and completely indemnified; and the captors, or in their default the government under whoſe authority they act, ſhall

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pay to the maſters or owners of ſuch veſſels the full value of all articles, with a reaſonable mercantile profit thereon, together with the freight, and alſo the demurrage incident to ſuch detention.

And whereas it frequently happens that veſſels ſail for a port or place belonging to an enemy, without knowing that the ſame is either beſieged, blockaded or inveſted; it is agreed, that every veſſel ſo circumſtanced, may be turned away from ſuch port or place; but ſhe ſhall not be detained nor her cargo, if not contraband, be confiſcated, unleſs after notice ſhe ſhall again attempt to enter; but ſhe ſhall be permitted to go to any other port or place ſhe may think proper: Nor ſhall any veſſel or goods of either party, that may have entered into ſuch port or place, before the ſame was beſieged, blockaded or inveſted by the other, and be found therein after the reduction or ſurrender of ſuch place, be liable to confiſcation, but ſhall be reſtored to the owners or proprietors thereof.

Art. XIX. And that more abundant care be taken for the ſecurity of the reſpective ſubjects and citizens of the contracting parties, and to prevent their ſuffering injuries by the men of war, or privateers of either party, all commanders of ſhips of war and privateers and all others the ſaid ſubjects and citizens ſhall forbear doing any damage to thoſe of the other party, or committing any outrage againſt them, and if they act to the contrary, they ſhall be puniſhed, and ſhall alſo be bound in their perſons and eſtates to make ſatisfaction and reparation for all damages, and the intereſt thereof, of whatever nature the ſaid damages may be.

For this cauſe all commanders of privateers before they receive their commiſſions ſhall hereafter be obliged to give before a competent Judge, ſufficient ſecurity by at leaſt two reſponſible ſureties, who have no intereſt in the ſaid privateer, each of whom, together with the ſaid Commander, ſhall be jointly and ſeverally bound in the ſum of fifteen hundred pounds ſterling, or if ſuch ſhips be provided with above one hundred and fifty ſeamen or ſoldiers, in the ſum of three thouſand pounds ſterling, to ſatisfy all damages and injuries,

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which the ſaid privateer or her officers or men, or any of them may do or commit during their cruize, contrary to the tenor of this Treaty, or to the laws and inſtructions for regulating their conduct; and further that in all caſes of aggreſſions the ſaid commiſſions ſhall be revoked and annulled.

It is alſo agreed that whenever a Judge of a Court of Admiralty of either of the parties, ſhall pronounce ſentence againſt any veſſel or goods or property belonging to the ſubjects or citizens of the other party, a formal and duly authenticated copy of all the proceedings in the cauſe, and of the ſaid ſentence, ſhall if required be delivered to the commander of the ſaid veſſel, without the ſmalleſt delay, he paying all legal fees and demands for the ſame.

Art. XX. It is further agreed that both the ſaid contracting parties, ſhall not only refuſe to receive any pirates into any of their ports, havens, or towns, or permit any of their inhabitants to receive, protect, harbour, conceal or aſſiſt them in any manner, but will bring to condign puniſhment all ſuch inhabitants as ſhall be guilty of ſuch acts or offences.

And all their ſhips with the goods or merchandizes taken by them and brought into the port of either of the ſaid parties, ſhall be ſeized as far as they can be diſcovered and ſhall be reſtored to the owners or their factors or agents duly deputed and authorized in writing by them (proper evidence being firſt given in the Court of Admiralty for proving the property) even in caſe ſuch effects ſhould have paſſed into other hands by ſale, if it be proved that the buyers knew or had good reaſon to believe, or ſuſpect that they had been piratically taken.

Art. XXI. It is likewiſe agreed, that the ſubjects and citizens of the two nations, ſhall not do any acts of hoſtility or violence againſt each other, nor accept commiſſions or inſtructions ſo to act from any foreign Prince or State, enemies to the other party; nor ſhall the enemies of one of the parties be permitted to invite, or endeavour

deavour to enliſt in their military ſervice any of the ſubjects or citizens of the other party; and the laws againſt all ſuch offences and aggreſſions ſhall be punctually executed. And if any ſubject or citizen of the ſaid parties reſpectively ſhall accept any foreign commiſſion, or letters of marque, for arming any veſſel to act as a privateer againſt the other party, and be taken by the other party, it is hereby declared to be lawful for the ſaid party to treat and puniſh the ſaid ſubject or citizen, having ſuch commiſſion or letters of marque, as a pirate.

ART. XXII. It is expreſsly ſtipulated that neither of the ſaid contracting parties will order or authorize any acts of reprizal againſt the other, on complaints of injuries or damages, until the ſaid party ſhall firſt have preſented to the other, a ſtatement thereof, verified by competent proof and evidence, and demanding juſtice and ſatisfaction, and the ſame ſhall either have been refuſed or unreaſonably delayed.

ART. XXIII. The ſhips of war of each of the contracting parties ſhall, at all times be hoſpitably received in the ports of the other, their officers and crews, paying due reſpect to the laws and government of the country. The Officers ſhall be treated with that reſpect which is due to the commiſſions which they bear, and if any inſult ſhould be offered to them by any of the inhabitants, all offenders in this reſpect, ſhall be puniſhed as diſturbers of the peace and amity between the two countries. And his Majeſty conſents that in caſe an American veſſel ſhould by ſtreſs of weather, danger from enemies, or other misfortunes be reduced to the neceſſity of ſeeking ſhelter in any of his Majeſty's ports, into which ſuch veſſel could not in ordinary caſes claim to be admitted, ſhe ſhall on manifeſting that neceſſity to the ſatisfaction of the government of the place, be hoſpitably received and permitted to refit and to purchaſe at the market price ſuch neceſſaries, as ſhe may ſtand in need of, conformably to ſuch orders and regulations as the government of the place, having reſpect to the circumſtances of each caſe ſhall preſcribe. She ſhall not be allowed to break bulk or unload her cargo unleſs the ſame ſhall be

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bona fide neceſſary to her being refitted. Nor ſhall be permitted to ſell any part of her cargo, unleſs ſo much only as may be neceſſary to defray her expences, and then not without the expreſs permiſſion of the government of the place. Nor ſhall ſhe be obliged to pay any duties whatever, except only on ſuch articles as ſhe may be permitted to ſell for the purpoſe aforeſaid.

ART. XXIV. It ſhall not be lawful for any foreign privateers, (not being ſubjects or citizens of either of the ſaid parties) who have commiſſions from any other Prince or State in enmity with either nation, to arm their ſhips in the ports of either of the ſaid parties, nor to ſell what they have taken, nor in any other manner to exchange the ſame; nor ſhall they be allowed to purchaſe more proviſions than ſhall be neceſſary for their going to the neareſt port of that Prince or State, from whom they obtained their commiſſions.

ART. XXV. It ſhall be lawful for the ſhips of war and privateers belonging to the ſaid parties reſpectively, to carry whitherſoever they pleaſe, the ſhips and goods taken from their enemies, without being obliged to pay any fee to the Officers of the Admiralty, or to any Judges whatever; nor ſhall the ſaid prizes when they arrive at, and enter the ports of the ſaid parties, be detained or ſeized, neither ſhall the ſearchers or other Officers of thoſe places viſit ſuch prizes, (except for the purpoſe of preventing the carrying of any part of the cargo thereof, on ſhore, in any manner contrary to the eſtabliſhed laws of Revenue, Navigation, or Commerce) nor ſhall ſuch officers take cognizance of the validity of ſuch prizes; but they ſhall be at liberty to hoiſt ſail and depart as ſpeedily as may be, and carry their ſaid prizes to the place mentioned in their commiſmiſſions or patents, which the commanders of the ſaid ſhips of war or privateers ſhall be obliged to ſhew. No ſhelter or refuge ſhall be given in their ports to ſuch as have made a prize upon the ſubjects or citizens of either of the ſaid parties; but if forced by ſtreſs of weather, or the danger of the ſea, to enter therein, particular care ſhall be taken to haſten their departure, and to cauſe them to retire as ſoon as poſſible. Nothing in this Treaty contained ſhall however

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be conſtrued to operate contrary to former and exiſting public treaties with other Sovereigns or States. But the two parties agree, that while they continue in amity neither of them will in future make any treaty that ſhall be inconſiſtent with this or the preceeding article.

Neither of the ſaid parties ſhall permit the ſhips or goods belonging to the ſubjects or citizens of the other, to be taken within cannon ſhot of the coaſt, nor in any of the bays, ports or rivers of their territories by ſhips of war, or others having commiſſion from any Prince, Republic, or State whatever. But in caſe it ſhould ſo happen, the party whoſe territorial rights ſhall thus have been violated, ſhall uſe his utmoſt endeavours to obtain from the offending party, full and ample ſatisfaction for the veſſel or veſſels ſo taken, whether the ſame be veſſels of war or merchant veſſels.

Art. XXVI. If at any time a rupture ſhould take place, (which God forbid) between his Majeſty and the United States, the Merchants and others of each of the two nations reſiding in the dominions of the other, ſhall have the privilege of remaining and continuing their trade ſo long as they behave peaceably, and commit no offence againſt the laws; and in caſe their conduct ſhould render them ſuſpected and the reſpective governments ſhould think proper to order them to remove, the term of twelve months from the publication of the order ſhall be allowed them for that purpoſe, to remove with their families, effects and property; but this favour ſhall not be extended to thoſe who ſhall act contrary to the eſtabliſhed laws, and for greater certainty, it is declared that ſuch rupture ſhall not be deemed to exiſt while negociations for accommodating differences ſhall be depending, nor until the reſpective Ambaſſadors or Miniſters, if ſuch there ſhall be, ſhall be recalled, or ſent home on account of ſuch differences, and not on account of perſonal miſconduct, according to the nature and degrees of which both parties retain their rights, either to requeſt the recall, or immediately to ſend

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home the Ambaſſador or Miniſter of the other; and that without prejudice to their mutual friendſhip and good underſtanding.

ART. XXVII. It is further agreed that his Majeſty, and the United States on mutual requiſitions, by them reſpectively, or by their reſpective Miniſters or Officers authorized to make the ſame, will deliver up to juſtice all perſons, who being charged with murder or forgery, committed within the juriſdiction of either, ſhall ſeek an aſylum within any of the countries of the other, provided that this ſhall only be done on ſuch evidence of criminality as, according to the laws of the place, where the fugitive or perſon ſo charged ſhall be found, would juſtify his apprehenſion and commitment for trial, if the offence had there been committed. The expence of ſuch apprehenſion and delivery ſhall be borne and defrayed by thoſe who make the requiſition and receive the fugitive.

ART. XXVIII. It is agreed, that the firſt ten articles of this Treaty ſhall be permanent, and that the ſubſequent articles, except the twelfth, ſhall be limited in their duration to twelve years, to be computed from the day on which the ratifications of this Treaty ſhall be exchanged, but ſubject to this condition—that whereas the ſaid twelfth article will expire by the limitation therein contained, at the end of two years from the ſigning the preliminary or other articles of peace which ſhall terminate the preſent war in which his Majeſty is engaged, it is agreed that proper meaſures ſhall by concert be taken for bringing the ſubject of that article into amicable treaty and diſcuſſion, ſo early before the expiration of the ſaid term, as that new arrangements on that head, may by that time be perfected and ready to take place. But if it ſhould unfortunately happen, that his Majeſty and the United States ſhould not be able to agree on ſuch new arrangements, in that caſe all the articles of this Treaty, except the firſt ten, ſhall then ceaſe and expire together.

LASTLY. This Treaty, when the ſame ſhall have been ratified by his Majeſty, and by the Preſident of the United States, by and with the advice and conſent of their Senate, and the reſpective ratifications

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mutually exchanged, ſhall be binding and obligatory on his Majeſty and on the ſaid States, and ſhall be by them reſpectively executed and obſerved with punctuality, and the moſt ſincere regard to good faith; and whereas it will be expedient, in order the better to facilitate intercourſe and obviate difficulties, that other articles be propoſed and added to this treaty, which articles from want of time and other circumſtances, cannot now be perfected—it is agreed, that the ſaid parties will, from time to time, readily treat of and concerning ſuch articles, and will ſincerely endeavour ſo to form them, as that they may conduce to mutual convenience, and tend to promote mutual ſatisfaction and friendſhip; and that the ſaid articles, after having been duly ratified, ſhall be added to and make a part of this Treaty. In faith whereof, we the underſigned Miniſters Plenipotentiary of his Majeſty the King of Great-Britain and the United States of America, have ſigned this preſent Treaty, and have cauſed to be affixed thereto the Seal of our Arms.

Done at London, this Nineteenth day of November, one thouſand ſeven hundred and ninety-four.

GRENVILLE, (SEAL.)
JOHN JAY, (SEAL.)

CONDITIONAL RATIFICATION on the part of the United States.

IN SENATE, JUNE 24, 1795.

RESOLVED, That the Senate do conſent to, and adviſe the Preſident of the United States to ratify the Treaty of Amity, Commerce and Navigation between his Britannic Majeſty and the United States of America, concluded at London the 19th November, 1794, on condition that there be added to the ſaid Treaty, an article, whereby it ſhall be agreed to ſuſpend the operation of ſo much of the 12th article, as reſpects the trade, which his ſaid Majeſty thereby conſents may be carried on between the United States and his iſlands in the Weſt-Indies, in the manner, and on the terms and conditions therein ſpecified.

And the Senate recommend to the Preſident to proceed without delay to further friendly negociations with his Majeſty on the ſubject of the ſaid trade, and of the terms and conditions in queſtion.

PHILADELPHIA, SEPT. 5, 1793.

SIR,

I AM honoured with yours, of Auguſt 30. Mine of the 7th of that month aſſured you that meaſures were taken for excluding from all further aſylum in our ports, veſſels armed in them to cruize on nations with which we are at peace, and for the reſtoration of the prizes, the Lovely Laſs, Prince William Henry, and the Jane, of Dublin; and that ſhould the meaſures for reſtitution, fail in their effect, the Preſident conſidered it as incumbenton the United States to make compenſation for the veſſels.

We are bound by our treaties with three of the belligerent nations, by all the means in our power to protect and defend their veſſels and effects in our ports, or waters, or on the ſeas near our ſhores, and to recover and reſtore the ſame to the right owners when taken from them. If all the means in our power are uſed, and fail in their effect, we are not bound by our Treaties with thoſe nations to make compenſation.

Though we have no ſimilar Treaty with Great-Britain, it was the opinion of the Preſident that we ſhould uſe towards that nation the ſame rule, which, under this article, was to govern us with the other nations, and even to extend it to captures made on the high ſeas, and brought into our ports, if done by veſſels which had been armed within them.

Having, for particular reaſons, forbore to uſe all the means in our power for the reſtitution of the three veſſels mentioned in my letter of Aug. 7th, the Preſident thought it incumbent on the United States to make compenſation for them: And though nothing was ſaid in that letter of other veſſels taken under like circumſtances and brought in after the 5th June, and before the date of that letter, yet when the ſame forbearance had taken place it was and is his opinion, that compenſation would be equally due.

As to prizes made under the ſame circumſtances, and brought in after the date of that letter the Preſident determined, that all the means in our power ſhould be uſed for their reſtitution. If theſe fail, as we ſhould not be bound by our treaties to make compenſation to the other powers in the analogous caſe, he did not mean to give an opinion that it ought to be done to Great-Britain. But ſtill if any caſes ſhall ariſe ſubſequent to that date, the circumſtances of which ſhall place them on ſimilar ground with thoſe before it, the Preſident would think compenſation equally incumbent on the United States.

Inſtructions are given to the governors of the different ſtates to uſe all the means in their power for reſtoring prizes of this laſt deſcription found within their ports. Though they will of courſe take meaſures to be informed of them, and the general government has given them the aid of the cuſtom houſe officers for this purpoſe, yet

you.

you will be ſenſible of the importance of multiplying the channels of their information, as far as ſhall depend on yourſelf, or any perſon under your direction, in order that the governors may uſe the means in their power for making reſtitution.

Without knowledge of the capture they cannot reſtore it. It will always be beſt to give the notice to them directly; but any information which you ſhall be pleaſed to ſend to me alſo at any time, ſhall be forwarded to them as quickly as diſtance will permit.

Hence you will perceive, Sir, that the Preſident contemplates reſtitution or compenſation in the caſes before the 7th Auguſt, and after that date, reſtitution if it can be effected by any means in our power. And that it will be important that you ſhould ſubſtantiate the fact, that ſuch prizes are in our ports or waters.

Your liſt of the privateers illicitly armed in our ports is, I believe, correct.

With reſpect to loſſes by detention, waſte, ſpoilation ſuſtained by veſſels taken as before-mentioned, between the dates of June 5th, and Auguſt 7th, it is propoſed as a proviſional meaſure, that the Collector of the Cuſtoms of the Diſtrict, and the Britiſh Conſul, or any other perſon you pleaſe, ſhall appoint perſons to eſtabliſh the value of the veſſel and cargo, at the time of her capture and of her arrival in the port into which ſhe is brought, according to their value in that port. If this ſhall be agreeable to you, and you will be pleaſed to ſignify it to me, with the names of the prizes underſtood to be of this deſcription, inſtructions will be given accordingly to the Collector of the Cuſtoms where the reſpective veſſels are.

I have the honour to be, &c.

[*Signed*] THOMAS JEFFERSON.

GEORGE HAMMOND, Eſq.

Objections.

Objections to the TREATY.

BOSTON, July 15, 1795.

AT a Meeting of the Inhabitants of the town of Boſton, *duly and legally warned and convened by adjournment, at Faneuil-Hall, on Monday, the* 13*th day of July, A. D.* 1795.

A PAMPHLET printed at *Philadelphia*, under the ſignature of S. T. MASON, Eſq. one of the Senators of the United States, from the Commonwealth of *Virginia*, and purporting to be a genuiue copy of a Treaty of Amity, Commerce and Navigation, entered into at *London*, on the 19th day of *November* laſt, between Lord GRENVILLE, on the part of his Btitannic Majeſty, and JOHN JAY, Eſq. on the part of the United States—was read and duly conſidered, and thereupon it was

Reſolved, As the ſenſe of the inhabitants of this town, that the aforeſaid inſtrument, if ratified, will be highly injurious to the commercial intereſts of the United States, derogatory to their national honor and independence, and may be dangerous to the peace and happineſs of their citizens.

The reaſons which have induced this opinion are as follow, viz.

1*ſtly*. Becauſe, this compact profeſſes to have no reference to the merits of the complaints and pretenſions of the contracting parties; but in reality the complaints and pretenſions of *Great Britain* are *fully* provided for, while a *part* only of thoſe of the *United States* have been brought into conſideration.

2*dly*. Becauſe, in the ſtipulation, which reſtores *our* Poſts on the Weſtern Frontiers, no proviſion is made to indemnify the United States for the commercial and other loſſes they have ſuſtained, and the heavy expences to which they have been ſubjected in conſe-

quence

quence of being kept out of poſſeſſion for *twelve years*, in direct violation of the Treaty of Peace.

3*dly*. Becauſe, no indemnification is propoſed to be made to the citizens of the United States for property taken from them at the cloſe of the war, the reſtitution for which is provided for in the ſame Treaty.

4*thly*. Becauſe the capture of veſſels and property of citizens of the United States during the preſent war made under the authority of the Government of *Great-Britain*, is a national concern, and claims ariſing from ſuch captures ought not to have been ſubmitted to the deciſion of their Admiralty Courts, as the United States are thereby precluded from having a voice in the final determination of ſuch caſes; becauſe, the indemnification propoſed is to be ſought by a proceſs tedious and expenſive, in which juſtice may be *delayed* to an unreaſonable time and eventually *loſt* to many of the ſufferers, from their inability to purſue it; and becauſe, this mode of indemnification bears no proportion to the *ſummary* method adopted for the ſatisfaction of Britiſh claims.

5*thly*. Becauſe this compact admits Britiſh ſubjects to an equal participation with our own citizens, of the interior traffic of the United States with the neighboring Indians, through our whole territorial dominions; while the advantages oſtenſibly reciprocated to our citizens, are limited both in their nature and extent.

6*thly*. Becauſe the *alien* duties upon merchandize imported into the United States by Britiſh ſubjects in their own bottoms is, if not *wholly* ſuſpended, at *leaſt* contracted, not to be encreaſed.

7*thly*. Becauſe the Commerce we have hitherto enjoyed in India, *in common with other nations*, is ſo reſtricted, that in future it will be of little or no ſubſtantial benefit to our citizens.

8*thly*. Becauſe in every ſtipulation reſpecting our intercourſe with the *Colonial* poſſeſſions of *Great-Britain*, the whole Commerce of the United States in ſuch intercourſe, is *colonized* in return.

9*thly*.

9*thly*. Becauſe the clauſe by which the Britiſh Government reſerves to itſelf the right of impoſing on American veſſels entering Britiſh ports in Europe, a duty which ſhall countervail the difference of the duty payable on the importation of European and Aſiatic goods into the United States in Britiſh or American bottoms, places it in the power of *that* Government to enable Britiſh ſubjects to become the importers of Aſiatic and European goods into the United States to the excluſion of *our own* citizens.

10*thly*. Becauſe, although the terms of ſaid Treaty purport to be reciprocal in many inſtances, yet from the local ſituation and exiſting circumſtances of the United States, and the pacific ſyſtem of policy they have adopted, that reciprocity is merely nominal and deluſive.

11*thly*. Becauſe it prevents the United States from impoſing any further reſtrictions on the Britiſh trade alone, and becauſe it ſtipulates that neither the debts due from individuals of one nation, to the individuals of the other, nor ſhares, nor monies which they may have in the public funds, or in any public or private Banks, ſhall *ever* in any event of war or national difference, be ſequeſtered or confiſcated—It is far from being impoſſible that the exerciſe of this right may in the opinion of the legiſlature of the United States, contribute to preſerve the peace of our country, and protect the rights and property of the citizens from violation, we therefore eſteem it highly impolitic that the public faith ſhould be pledged that *it* ſhall *never* be exerciſed under any circumſtances whatever.

12*thly*. Becauſe it concedes a right to the Britiſh Government to ſearch and detain our veſſels in time of war under frivolous and vexatious pretexts.

13*thly*. Becauſe it provides that ſhip timber, tar, hemp, ſails and copper, ſhall be conſidered contraband of war, which articles are expreſsly ſtipulated to be free by the treaties already ſubſiſting between the United States and all other nations with whom they are in compact.

14*thly*.

14*thly*. Becauſe it ſurrenders all or moſt of the benefits of a commercial nature which we had a right to expect from our neutrality in the preſent European war.

15*thly*. Becauſe it precludes the hope of receiving any advantage from the modern law of nations, refered to in the Preſident's Proclamation of Neutrality, adopted by moſt of the nations of Europe in the laſt war, and to which we *then* acceded, and have *ſince* ſecured in our treaties with all other nations.

16*thly*. Becauſe it not only ſurrenders the right of carrying the property of any nation at war with *Great-Britain* in our veſſels *freely*; but abandons all pretenſions even to the freight.

17*thly*. Becauſe it permits the Britiſh nation to convert proviſions, deſtined to other nations at war with them, to their own uſe, on payment of what *they* may deem a reaſonable profit; a meaſure not only injurious to the intereſts of the American merchant, but which will prevent our citizens from carrying American productions to other countries, which by the laws of nature and nations they have a right to do without moleſtation.

18*thly*. Becauſe it limits the power of Congreſs delegated to them by the Conſtitution, "to regulate our Commerce with foreign nations," by preſcribing conditions and creating impediments to the exerciſe of that power.

19*thly*. Becauſe it expoſes the United States and their Commerce to ſimilar embarraſſments from other commercial nations, all of whom will *probably* regulate our trade by this partial ſtandard.

And laſtly. Becauſe, in the opinion of the inhabitants of this town, the nature and extent of the exports of the United States are ſuch, that in all their ſtipulations with foreign nations, *they* have it in their power to ſecure a perfect reciprocity of intercourſe not only with the Home Dominions of ſuch nations, but with all their Colonial Dependencies.

It is further Reſolved, That a copy of the foregoing proceedings, atteſted by the Town-Clerk, be immediately tranſmitted to the Preſident of the United States, that they may be reſpectfully ſubmitted to his conſideration. And we earneſtly hope, and confidently rely, that his prudence, fortitude, and wiſdom, which have more than *once* been eminently inſtrumental in the ſalvation of his country, will be equally conſpicuous on the preſent occaſion, and that the reaſons we have aſſigned will have their influence to withhold his ſignature from the ratification of this alarming inſtrument.

The Federaliſt.—No. I.

As publiſhed in the Centinel, July 22, 1795.

THE OBJECTIONS TO THE TREATY REFUTED.

MR. RUSSELL,

THE Conſtitution of the United States, empowers the Preſident, by and with the advice and conſent of the Senate, to make treaties, provided two thirds of the Senators preſent, concur.

In purſuance of a power thus veſted, the Senate of the United States did conſent to and adviſe the Preſident of the United States to ratify the Treaty of Amity, Commerce and Navigation, between his Britannic Majeſty, and the United States of America, concluded at *London*, the 19th November, A. D, 1794 ; on condition that there be added to ſaid treaty, an article whereby it ſhall be agreed to ſuſpend the operation of ſo much of the 12th article, as reſpects the trade which his ſaid Majeſty thereby conſents, may be carried on between the United States and his iſlands in the *Weſt-Indies*, in the manner, and on the terms and conditions therein preſcribed.

A copy

A copy of this treaty was ſent by Mr. MASON, one of the Senators from *Virginia*, to the Editor of the *Aurora*, in *Philadelphia*, that it might be publiſhed.

On Tueſday, the 7th July, the Editors of the Chronicle, advertized in the Mercury, that a copy of the treaty before referred to, was brought by expreſs from *Philadelphia*, and was for ſale at their office, and at LARKIN's book ſtore, in Cornhill.

On the 8th July, a notification iſſued by order of the Selectmen of *Boſton*, notifying the inhabitants to meet on the 10th, agreeable to the requeſt of a number of inhabitants, to take into their moſt ſerious conſideration, ſuch meaſures as might be deemed expedient, relative to the treaty, pending between the United States and *Great Britain*.

On the 9th July, the Editors of the Chronicle publiſhed in their paper, the eight firſt articles of the Treaty.

The foregoing was the only publication of the Treaty, prior to the meeting of the inhabitants, on the 10th, except a publication of its ſuppoſed contents, by ſome one who had read it; and which, on compariſon with Mr. MASON's copy, appears to be incorrect.†

On the 10th, the inhabitants met in Faneuil Hall, where fifteen hundred of the citizens, without reading the Treaty there, voted their diſapprobation, and not one appeared in favour of it.

A Committee of fifteen was appointed "*to report the reaſons in writing, which led to the diſapprobation of the Treaty.*

On Monday following, being the 13th, the Committee reported the objections of the town, before the reading of which, the treaty was read.—The objections were then accepted by the town, without one diſſenting voice; and a vote paſſed, directing their immediate tranſmiſſion to the Preſident of the United States, and expreſſing "*their earneſt hope, and confident reliance, that the reaſon aſſigned would*

† Note by the Editor.—*It was publiſhed in an Extra Centinel, but not generally diſtributed, until the 10th.*

would have their influence, to withhold his ſignature from the ratification of this alarming inſtrument."

The Senate met on the 8th June, from which time to the 24th, the merits of the propoſed Treaty were diſcuſſed, with all the advantages that could be derived to this diſcuſſion, from examining documents that ſhew the real ſtate of our Commerce; the relation of this country to others; the grounds of our complaints againſt the Britiſh, with their anſwers; the grounds of complaint the Britiſh had againſt this country, with the anſwers of America. On the 24th, the Senate adviſed the Preſident to ratify the Treaty, in manner and on the conditions ſpecified in the firſt part of this paper.

A concurrence of two thirds of the number preſent, was neceſſary to conſtitute a vote of the Senate on this ſubject; and it is underſtood that this majority included all the Senators from *New-England*, (except Mr. LANGDON, of *Portſmouth*, and Mr. ROBINSON, of *Vermont*,) one Senator from *New-York*, all from *New-Jerſey*, *Pennſylvania*, *Delaware*, and *Maryland*, one from *Kentucky*, one from *South-Carolina*, and one from *Georgia*. *Virginia*, and *North-Carolina*, were the only States in the Union, whoſe Senators were unanimous againſt its ratification.

Unleſs the preſent conduct of theſe Senators, in adviſing the Preſident to ratify the Treaty, has deprived them of the confidence of their fellow-citizens: It may be truly ſaid, that as individual members of the community, none ſtand higher in the public eſtimation, as men of pure morals, ſound underſtanding, induſtrious and ſteady attention to thoſe duties, with which they have been intruſted. Their conduct, as public men, has been tried and known in times the moſt critical and dangerous, and has received the juſt tribute of applauſe, from a grateful country, for having preſerved it from the diſtreſſes of anarchy and war.

Duty to ourſelves demands that we ſhould reſpect the legal and conſtitutional doings of thoſe we have appointed to adminiſter our public affairs; at leaſt ſo far as not to declare to the world, "*That their acts are highly injurious to the commercial intereſts of the United*

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ed States, derogatory to the national honor and independence, and may be dangerous to the peace and happineſs of their citizens." Without the moſt careful inveſtigation of the ſubject, and without the moſt ſubſtantial reaſons in ſupport of charges which ſo deeply wound the honor of government, and the character of thoſe who have conſtitutionally done the act, thus boldly cenſured.

Men who love their country will endeavour to ſupport its government, at leaſt will refrain from groſsly criminating its conduct, until they have been convinced that no good reaſons can be offered, for that which to them, may at firſt appear doubtful. Such men ought not inſtantly to enliſt under the banners of its avowed opponents, nor haſtily ſurrender their judgments to thoſe who have uniformly calumniated all thoſe acts which time and experience have ſanctioned, as wiſe and productive of greater proſperity than is enjoyed in any other country. Men who know the value of character, from a juſt regard of their own; who have ſenſibility duly to appreciate the worth of public fame, will be cautious how they attempt to inflict a wound on the reputation of others, which, if aimed at themſelves, would produce the moſt painful ſenſations.

The town of *Boſton* has given its reaſons for aſſertions which have ſo deeply wounded the honor of the government—which aſſertions, if true, muſt extremely weaken the confidence of the people in the ſuperiority of their own conſtitution.

Permit therefore, Mr. RUSSELL, a fellow-citizen, through the medium of your paper, to examine the ſolidity of their reaſons, in proof of this declaration, that "*The Treaty if ratified will be highly injurious to the commercial intereſts of the United States, derogatory to their national honor and independence, and may be dangerous to the peace and happineſs of their citizens.*"

The firſt is, "*that compact* (meaning the Treaty) *profeſſes to have no reference to the merits of the complaints, and pretenſions of the contracting parties; but in reality the complaints and pretenſions of Great-Britain are fully provided for, while a part only of thoſe of the United States have been brought into conſideration.*"

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The words of the treaty are that "*The parties being deſirous, by a Treaty of Amity, Commerce and Navigation, to terminate their diſferences, in ſuch a manner, as (without reference to the merits of their reſpective complaints and pretenſions) may be the beſt calculated to produce mutual ſatisfaction and good underſtanding.*" The words of the Treaty are copied here, that by comparing them with the firſt reaſon of the town, the public may judge of their true import, and not be induced to believe, that the two nations met together, with the deſign of terminating their differences, and at the ſame time, diſregarded the real ſubject of controverſy.

The great charge in this reaſon is, that the complaints and pretenſions of Great-Britain are fully provided for, while a part only, of thoſe of the United States, *have been brought into conſideration.*

It is to be preſumed that the Committee meant here, that the Miniſter, on the part of America, never brought into conſideration all the complaints and pretenſions of his country.—Becauſe if brought into conſideration, and proved to be unfounded; or for any reaſon waved; it could not be expected that ſuch conſideration, or the reaſons which refuted the complaints, ſhould appear in the Treaty—It would be uſeleſs and unprecedented.

That the American Miniſter did not bring them into conſideration, is an aſſumption of a fact by the Committee, for which they have not given any evidence.

If the correſpondence and arguments uſed by the Miniſters who negociated the Treaty, were before the town, or the Committee; or they had ſuch information of their doings, as could be relied on, it would probably have been ſtated. Candor requires that before a charge of groſs neglect is believed againſt any man, ſome evidence ſhould be adduced to ſupport the charge.

That every complaint, and pretenſion of the United States was duly made, and enforced by the American Miniſter, is to be preſumed from his known fidelity, underſtanding and patriotiſm. It may alſo be inferred from the following conſiderations;

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The Preſident of the United States undoubtedly gave him inſtructions on this head. The report made of the negociation, would ſhew whether any thing was neglected on the part of the United States: This report was probably before the Senate.

It is not preſumeable, that the Preſident would accept the report of his Miniſter as ſatisfactory, or conſider the negociation as compleated, unleſs every matter of importance was brought into conſideration; or that the Senate would recommend to the Preſident, to ratify a Treaty that was to terminate all differences, when it appeared to them, that the complaints of our own country were not brought into conſideration—further, it is not probable, that the minority of the Senate, who had before them the whole negociation, would have neglected to ſtate this, if it had exiſted, as a reaſon for rejecting this Treary; whereas in the communication made by Mr. Mason, no ſuch charge appears, nor in the motions of Mr. Tazewell and Mr. Burr. It may therefore, fairly be inferred, until the town or its Committee, pleaſe to give ſome evidence to the contrary, that every complaint and pretenſion of the United States, was brought into conſideration.

"*The ſecond reaſon is, becauſe in the ſtipulation, which ſurrenders our poſts on the Weſtern Frontiers, no proviſion is made to indemnify the United States, for the commercial, and other loſſes they have ſuſtained, and the heavy expenſes to which they have been ſubjected, in conſequence of being kept out of poſſeſſion for twelve years, in direct violation of the Treaty of Peace.*"

In this reaſon, the town muſt intend that no Treaty ſhould be acceded to, unleſs the Britiſh nation would firſt agree to indemnify the United States for all loſſes, that aroſe from our not being in poſſeſſion of the poſts the laſt twelve years.—

This would be on the part of *Great-Britain*, to acknowledge that the inexecution of the Treaty of 1783, was entirely her fault—This is probably a matter ſhe would diſpute, and we are in candor obliged to acknowledge, that the 4th article of that Treaty which

relates

relates to payment of debts, was oppoſed by ſome of the States very ſoon after, if not before the definitive Treaty was ſigned, and that it continued unexecuted in ſome of the ſouthern States, until the Federal Government was eſtabliſhed. If ſhe can juſtly impute the firſt breach to the United States, our claim of indemnity, for her violation muſt be doubtful. But ſuppoſing it otherwiſe, and it be clear to us, that ſhe retained the poſts wrongfully, and without any juſt provocation on our part—Is it probable that ſhe would ſo humiliate herſelf, as to confeſs ſhe was the only party who acted wrong, and avow herſelf the author or cauſe of all the calamities which have, or which we ſuppoſe have been derived from the inexecution of that Treaty, and now ſubmit to pay all the damages that had ariſen therefrom?

In the various wars that have taken place, for the wrongful detention of territories; few, if any, are the inſtances, that the vanquiſhed nation has paid for the injuries and loſſes that have ariſen from ſuch detention.

The moſt that is commonly attained, is a reſtoration of ſuch territory. Independent nations, owing no ſuperior, qualified to judge of their conduct, will ſeldom acknowledge they have done wrong, eſpecially when poſſeſſed of power to ſupport their own cauſe. It is wiſe both in a Miniſter, and a nation, to refrain from inſiſting on points, which would only produce crimination, and recrimination, without advancing the great objects of their negociation. Let the candid conſider, if it is probable, that any reaſoning they could ſuggeſt, would have induced *Great-Britain*, to accede to ſuch ſtipulation, as this objection ſuppoſes.

If not, would it be wiſe in us to refuſe the poſts, and ſtill ſuffer the evils we feel from being deprived of them—or attempt to gain them by force? If ſucceſsful in this latter mode, is it probable, that, at the end of a war, we could induce Britain to pay us the loſſes ſuffered by the twelve years detention, added to the duration of hoſtilities; and the further expences of a war undertaken to regain them—There are few men who will ſay ſuch an event can be

calculated

calculated on—If then it is not probable that *Great-Britain* could be induced by arguments to accede to this ſtipulation, nor that we could have attained it by war, it muſt certainly be conſidered wiſe in the miniſter to accept the poſts, and in the Senate to adviſe to the ratification of the Treaty, notwithſtanding ſhe did not ſtipulate to pay the loſſes conſequent on her detention of them—It ought alſo to be remarked, that although much has been ſaid about making a demand of the poſts, nothing has been intimated in public, that a demand ſhould be made for damages, for not relinquiſhing them before; much leſs that we ſhould refuſe to receive them, unleſs we could be paid for ſuch damages, or that we would attempt to gain ſuch damages by war; eſpecially when it had never been hinted, that the United States would hazard a war even to gain the poſts.

The Federaliſt.—No. II.

As publiſhed in the Centinel, July 25, 1795.

THE OBJECTIONS TO THE TREATY REFUTED.

MR. RUSSELL,

THE third reaſon of the town of *Boſton* againſt raiſying the treaty is becauſe no indemnification is to be made to the citizens of the United States, for property taken from them at the cloſe of the war, the reſtitution of which is provided for by the ſame treaty.

The words of the treaty of 1783, referred to by the town, are probably theſe. His Britannic Majeſty ſhall with all convenient ſpeed, and without *cauſing any deſtruction, or carrying away any negroes, or other property of the American inhabitants*, withdraw all his armies, &c. &c.

It is underſtood, that the United States contend that this deſcription applies to negroes, remaining within the Britiſh lines, after the peace,

peace, but who had been captured or invited by proclamation, had fled to the Britiſh *during the war.* The Britiſh government contend for another conſtruction, and ſay that negroes captured in war, or invited by proclamation, had taken refuge with them *during the war*, could be conſidered American property, no more than ſhips taken, or horſes ſtrayed to them *during the war.* That on the capture of negroes by the Britiſh, or the acceding by the negroes to the terms of their proclamation, they ceaſed to be the property of Americans.

If this reaſoning of the Britiſh be not ſatisfactory to the people of the United States, candor will oblige them to admit, that the Britiſh government may think it juſt, and conſequently a point extremely hard, if not impoſſible to be obtained from them, ſince the conceſſion would imply a ſacrifice of their public faith, which had been pledged to the negroes. It is not known that the Britiſh carried away other property.

The amount in value depending on this point is greatly exaggerated, having been ſtated, in converſation, at many millions of dollars; while it is known from authentic documents, that the whole number of negroes, to whom the proviſion in the treaty could poſſibly relate, fall ſhort of 3000, that being the total carried away after the peace, including many free negroes, and many ſlaves, who with their proper maſters had taken refuge within the Britiſh lines. Let any man make the probable deduction for free negroes, and thoſe ſlaves, who accompanied their maſters, and conſider that the remainder included thoſe of extreme old age, and the youngeſt infants, the ſick and well, the worthleſs, and theſe of value, and he muſt be convinced, however unſatisfactory the conſtruction given by the Britiſh may be to his mind, that the evil is not of great magnitude—by no means ſufficient to preſs an indemnity for, in hazard of the property taken from our citizens on the ocean, in hazard of our peace, and other articles of the Treaty which may be conſidered beneficial to the United States.

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The 4th reaſon is, "*becauſe the capture of veſſels, and the property of the citizens of the United States, made under the authority of the government of Great-Britain, is a national concern, and claims ariſing from ſuch captures ought not to have been ſubmitted to the deciſion of their Admiralty Courts, as the United States are thereby precluded from having any voice in the final determination of ſuch caſes, and becauſe the indemnification propoſed to be made, is to be ſought by a proceſs tedious and expenſive, in which juſtice may be delayed to an unreaſonable time; and eventually loſt to many of the ſufferers from their inability to purſue it, and becauſe this mode of indemnification bears no proportion to the ſummary method adopted for the ſatisfaction of Britiſh claims.*"

The firſt charge here is, that claims ariſing from captures made on American property, ought not to have been ſubmitted to the deciſion of their Admiralty Courts.

In the year 1753, the King of Pruſſia complained to the King of Great-Britain, that the property of his ſubjects had been unlawfully captured and condemned on the high ſeas, by ſubjects of the King of Great-Britain. The reply then made, was, that the property had been regularly tried in the Admiralty Courts of Great-Britain, which courts tried cauſes according to the univerſal law of nations, and the ſtipulations of the treaty—that affairs of this kind are and can be cognizable only in the courts belonging to that power, where the ſeizure is made.

In our own country, the Britiſh Miniſter complained to Mr. JEFFERSON, then Secretary of State, that certain ſubjects of his King were injured by an inability to obtain their juſt demands.

Mr. JEFFERSON replied, "that no nation can anſwer for perfect exactitude of proceedings in all their inferior courts—it ſuffices to provide a ſupreme judicature, where error and partiality will be ultimately corrected. With this qualification, we have heretofore been in the habit of conſidering the adminiſtration of juſtice, in G. Britain, as extremely pure. The adminiſtration of juſtice is a branch

of

of the ſovereignty over a country, and belongs excluſively to the nation inhabiting it—when a cauſe has been adjudged according to the rules and forms of the country, its juſtice ought to be preſumed—If any inſtances of unlawful impediments have exiſted in any of the inferior tribunals, they would like other unlawful proceedings, have been over-ruled on an appeal to the higher courts. If not over-ruled, then a complaint to the government would have been regular, and their interference, probably effectual. If your citizens would not proſecute their rights, it was impoſſible they ſhould recover them, or be denied recovery; and until a denial of right through all the tribunals, there is no ground of complaint."

Hence it appears that in other caſes, and with other nations, this has been thought juſt by Great-Britain; and in our own country the doctrine has been adopted towards Great-Britain, and acquieſced in on her part.

It ought likewiſe to be remarked, that moſt of the ſeizures complained of by the American citizens, have been made by privateers owned by private individuals, and that every Britiſh ſubject has a right, which neither King nor Miniſter can deprive him of, to have his cauſe tried by the Courts of his country; and it is not impoſſible that ſome claims may have been made by Americans, where the property is liable by the law of nations, to be condemned. It ought alſo to be remembered, that the Britiſh government made proviſion for the regular bringing forward to trial, cauſes, which from certain circumſtances of the claimants, had, by ſtrict law, loſt their right to a trial in the Supreme Courts of Admiralty, and that our own Government has ſent a perſon to procure papers and documents from the Courts of Vice-Admiralty, to ſupport the claims of our citizens; to enter appeals, and give ſecurity for their proſecution, free of expenſe to the claimants. The trial by Admiralty Courts is ſupported, alluded to, and enforced, by many treaties. "*In this method all captures at ſea have been tried during all the late wars, by the European powers, and ſubmitted to by the neutrul powers. By Courts of Admiralty, acting according to the law of nations, and*

particular

particular treaties, all captures at ſea have immemorially been judged of, in every country of Europe; any other method of trial would be manifeſtly unjuſt, abſurd and impracticable." Thus the law and cuſtoms of nations has been ſtated by the ableſt and moſt reſpectable civilians of the preſent age.

It may juſtly be inferred, that the evils of the unfortunate people, whoſe property has been captured, will be redreſſed in a manner known, and practiſed by other nations in ſimilar caſes, and recognized as right by ourſelves—that the injuries, apprehended by the town for the ſufferers, from the expence attending the ſuits, and their incapacity to purſue their claims has been fully provided for by the American government.

To provide againſt evils which this method might not reach, it is expreſsly warranted, in the 7th article of the treaty, *that in all caſes where adequate compenſation cannot, for whatever reaſon, be now actually obtained, had and received, by the ſaid merchants, and others in the ordinary courſe of juſtice, full and complete compenſetion for the ſame, will be made by the Britiſh government, to the ſaid complainants.*"

The other part of the charge, contained in this reaſon, is, that this mode of indemnification bears no proportion to the ſummary one adopted for the ſatisfaction of Britiſh claims.

The ſame 7th article of the treaty ſtipulates, that the declaration of the Preſident, as contained in Mr. JEFFERSON's letter of the 5th September, 1793, to Mr. HAMMOND, ſhall be carried into execution. This letter which is annexed to the Treaty, ſtates, that *having for particular reaſons forbore to uſe all the means in the power of the United States, for the reſtitution of certain veſſels*, the Preſident thought it incumbent on the United States, to make compenſation therefor.

The government of the United States voluntarily forbearing to make uſe of all the means in their power to obtain juſtice for certain Britiſh ſubjects, is certainly a different caſe from captures by Britiſh ſubjects of American property, on which the Britiſh government

ernment expreſsly ſtipulates that ſhe will make uſe of all the means in her power to obtain reſtitution from the captors, of property wrongfully taken, and if theſe means are inadequate, from whatever reaſon, *ſhe* will make full and complete compenſation to the complainant. The American government having decided that the demand of the Britiſh Miniſter was right, choſe between two evils, viz. That of compelling reſtitution from the wrong-doer, when in their power, or making compenſation itſelf—it choſe the latter.

The Britiſh government choſe the former, and Mr. JEFFERSON declares in the letter before referred to, *that where all the means in the power of the nation are uſed to obtain reſtitution, and they* fail, *he did not mean to give an opinion, that reſtitution ought to be made by the government*"—but in this caſe Mr. JAY has induced the Britiſh government to uſe all the means in her power, and make compenſation where theſe fail.

It is preſumed that a reference to the article in the Treaty, Mr. JEFFERSON's letter, and a conſideration of the law of nations, as recognized by Europe and America, will convince all candid men, that the fourth reaſon of the town ought to have no weight againſt the Treaty.

The fifth reaſon is, "*becauſe this compact admits Britiſh ſubjects to an equal participation with our own citizens, of the interior traffic of the United States with Indians, through our whole territorial dominions, while the advantages* oſtenſibly *reciprocated to our citizens, are limited both in their nature and extent.*"

It hath been well underſtood, by men acquainted with the country occupied by Indians, within the territory of the United States, and that which falls within the Britiſh dominions, that by far the greateſt proportion of firs are collected within the Britiſh dominions. If this is true, much is gained to the United States, by the fur trade, while Britain has nothing in return, but the liberty of traverſing a wilderneſs, from which no traffic can be obtained. A little reflection will convince us that our means of paying for ſuch

furs

ſure, and our export trade opened by this treaty, are really ſuperior to the benefits derived to Britain, and will prove a ſource of great wealth to the Americans.

While we are poſſeſſed of an extent of ſea-coaſt in America, ſo immenſe, compared with that of Great-Britain, it will be readily ſeen, that the European and Aſiatic goods, the latter of which can be afforded on better terms by us than the ſubjects of Great-Britain, exported from the United States, into their interior countries, muſt greatly exceed any quantities the Britiſh coloniſts can ever bring into the United States on that quarter. The embarraſſments attending an importation from Europe into Canada, New-Brunſwick, and Nova-Scotia, by ſea, and confined as the inhabitants of theſe countries are in their trade to the mother country, compared with our advantages of ſupplying them, by our eaſy communication with them, and with every part of the world, will convince all candid men, that the advantages of this part of the treaty are chiefly on our ſide.

But ſtill it may be ſaid, they have a right to come into our country, and we have not a right to enter the ſeaports of their colonies in our own veſſels. If it appears from an examination of the advantages and diſadvantages of the article of the treaty here referred to, that we receive more than we grant; it muſt be admitted, that this reaſon ought not to prevail againſt a ratification of the treaty.

By the treaty we are equally admitted into each others territory on the land board, for the purpoſes of traffic. Before the treaty is ratified, neither enjoys this right. They enter our ſea-ports as freely now, as they can by the treaty—we are not permitted to enter theirs. This inſtrument gives them no new right on the ſea board. It does not diminiſh any we poſſeſs. Under the treaty we can carry on commerce with their colonies by land. From reaſons before ſtated, our trade there muſt be very advantageous, while theirs in our territory cannot be diſadvantageous.

By this article therefore, it appears we have gained much, for which we have given but little, if any thing; for none will pretend that by means of the lakes, the Britiſh coloniſts can underſell the

American

American merchants, ſtill leſs will any pretend that we do not gain immenſely more of the fur trade, than we grant.

The ſixth reaſon is, "*becauſe the alien duty upon merchandize, imported into the United States by Britiſh ſubjects in their own bottoms, is, if not wholly ſuſpended, at leaſt contracted not to be encreaſed.*"

The 15th art. of the treaty, contains a ſtipulation of the parties, that places their ſhips and merchandizes reciprocally on the footing of the moſt favored nations, and merely reſerves a right to the Britiſh government, to impoſe on American veſſels, entering into Britiſh ports in Europe, a tonnage duty equal to what Britiſh veſſels pay in American ports, and ſuch duty as may be adequate to countervail the difference of duty, now payable on the importation of European and Aſiatic goods, when imported into the United States in Britiſh or in American veſſels.

This muſt be the article to which the fifth reaſon alludes; and it certainly cannot be "derogatory to our national honor and independence," to be willing to meet the Britiſh nation on terms of equality, when it is conſidered, that we have ſimilar articles in our treaties with France, the United Netherlands, Sweden and Pruſſia ---that it is common in moſt of the modern treaties, and eſpecially was of late inſerted in the Treaty between France and Great-Britain; at leaſt it behoves thoſe who make the objection, to ſhew in what conſiſts our power to compel a nation to trade with us, on terms by which we ſhall impoſe heavier duties on her trade, than we do on others, while ſhe impoſes no heavier duties on us, than ſhe does on others.

In general terms it has been ſaid, that the treaty was not reciprocal; here is an objection that it is reciprocal.

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The Federaliſt.—No. III.

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THE OBJECTIONS TO THE TREATY REFUTED.

MR. RUSSELL,

THE 7th reaſon is "*becauſe the Commerce we have hitherto enjoyed in* India, *in common with other nations, is ſo reſtricted, that in future it will be of little or no ſubſtantial benefit to our citizens.*"

In the firſt place, it ought to be remarked, that according to the rights, claimed by all nations, having colonies, to which all other nations have acceded, we have no poſitive right to go to any of the colonies of the Britiſh crown; and that unleſs ſuch right is obtained by Treaty the Britiſh may prohibit our trading, or even entering the ports of their colonial poſſeſſions, without affording us any juſt cauſe of complaint. The right of confining the trade of colonies to the parent country, and excluding all ſtrangers from any participation therein, is as old, and as univerſal as any claimed by the preſent commercial nations of *Europe*.

By our Treaty with *France*, his Moſt Chriſtian Majeſty agrees to continue to the ſubjects of the United States, the free ports which have been, and are open to the French iſlands of *America*: Of all which free ports the ſaid ſubjects ſhall enjoy the uſe, *agreeable to the regulations which relate to them.*

An arret of the King of *France* on the 30th Auguſt, 1784, declares the free ports in the iſlands of *America*, and the regulations they ſhall be ſubject to--- the ſize of veſſels---the articles they may carry in, and bring away. The veſſels are to be *ſixty* tons, at the leaſt, and the merchandizes, wood, ſalt beef, fiſh, rice, maize, vegetables, ſkins, furs, roſin, pitch and tar---Salt beef and fiſh are ſubjected to a duty of 3 livres per quintal, beſide the general duties on the cargo; which three livres are converted into a bounty on the

French

French fiſhery. The articles, permitted to be taken away in return, were limited to taffia and molaſſes---and goods imported there from *France*. Commiſſioners were to be appointed to reſide in theſe free ports, to ſee that the regulations were ſtrictly complied with; and the more ſecurely to guard the trade, the merchants and Captains of veſſels, reſiding in thoſe ports, were authorized to chooſe from among themſelves, Commiſſioners who ſhould aſſiſt in watching the foreign veſſels and denouncing negligencies. By our Treaty with the *United Netherlands*, it is expreſsly agreed, "*that the United States, their ſubjects, and inhabitants, ſhall leave to thoſe of their High Mightineſſes the peaceable enjoyment of their rights in the countries, iſlands and ſeas in the Eaſt and Weſt-Indies, without any hindrance or moleſtation.*"--- It appears then, that the right of excluding foreigners from a direct trade to their colonies, and confining the trade of the coloniſts to the mother country is not only practiced among all the European nations, but has been expreſsly recognized by the United States of *America*. Hence it clearly follows, that every relaxation of the colonial ſyſtem, muſt be conſidered as a favor to that nation, in whoſe behalf it is ſo relaxed. This uſed to be our reaſoning on the arret of the King of *France*, admitting us, in common with other foreigners, into the Weſt-Indies, however limited in the tonnage of the veſſel, and the cargoes permitted to be imported, and exported.

This is conſidered to be the permanent ſtate of things. In times of great ſcarcity in the iſlands, they have been free for the importation of certain other articles. In times of war, the French have generally opened their colonies to all foreigners, becauſe it is more important to have their ſeamen, on board their ſhips of war, than be the ſole ſuppliers, and carriers for their colonies. During the laſt war, in the year 1779, the French opened the trade of their Weſt-India iſlands to neutral nations; the conſequences were alarming to the merchants in *France*, and repreſentations againſt the meaſure were made from *Bourdeaux*, *Nantz*, and other large towns; and immediately on ſigning the preliminary articles of peace, this permiſſion to neutral nations, was withdrawn.

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The ſame was done at the *Havannah*. While *Louiſburg* and *Canada*, were colonies of *France*, they were not allowed a direct trade to the Weſt-Indies. And ſuch has been the jealouſy of European nations reſpecting their colonies, that *France* once paſſed a decree, ordering the Governors of their Weſt India colonies to ſeize and confiſcate ſhips and cargoes, coming within a league of the ſhores of their iſlands.

The right we enjoy, without Treaty, of going to the Britiſh, Eaſt-Indies is merely permiſſive in that nation. The trade has been but of few years—Lord SHEFFIELD in his argument againſt admitting the Americans into the Weſt-India iſlands, remarks, "*that the Americans have no more pretenſions to go to our Weſt-India iſlands, than to our Eaſt-India ſettlements, yet the latter would be thought a very extraordinary ſtep.*"

The ſentiments of this writer have been much adopted by the Britiſh government relative to their Weſt-Indies, ſince the revolution, any may therefore give us ſome idea what that nation thinks of our right to a commerce with their Eaſt-India ſettlements. If *Great-Britain* ſhould refuſe to admit our veſſels into her *Eaſt-India* poſſeſſions, it would be no juſt cauſe of complaint, on the part of the United States. *France* and *Spain*, as has been ſhewn, opened the trade of ſome of their colonies, during the laſt war, to all neutral nations; and immediately on return of peace, that trade was again confined to the parent countries—Neither the United States, nor any other nation, who had enjoyed the benefits of this free trade, pretended to claim a continuance, becauſe it had been permitted to them, or to deny the authority of theſe two nations, to prohibit them entering their colonial poſſeſſions, much leſs to make complaint at being denied a privilege, before indulged to them.

Having then no right of commerce to the Britiſh *Eaſt-Indies*, which that nation may not take from us, without juſt cauſe of complaint on our part, let us conſider what are the reſtrictions impoſed on the trade by treaty, and whether it will not continue to be of ſubſtantial benefit to our citizens, notwithſtanding theſe reſtrictions.

By the 13th article, there is an expreſs ſtipulation on the part of the Britiſh King, that we ſhall freely carry on a trade with the Britiſh Eaſt-Indies, paying a tonnage duty on our veſſels, no higher than Britiſh veſſels pay in American ports, and no higher duties on the importation and exportation of their cargoes, than ſhall be payable on the ſame articles, when imported or exported in Britiſh veſſels, the articles exported to be carried to the United States and there unladen, and both parties, whenever it ſhall be found neceſſary, ſhall adopt ſuch regulations as ſhall be neceſſary to the due obſervance of this ſtipulation.

Two queſtions ariſe on this part of the article—firſt, ſuppoſing the trade to be abſolutely confined to the carrying of merchandize of any ſort, not abſolutely prohibited, to the Britiſh Eaſt-Indies, and the importing from thoſe ſettlements, directly into the United States, all articles not abſolutely prohibited.

Is a trade thus limited, ſubſtantially beneficial? We muſt either procure the produce of that country, directly from the Eaſt-Indies, making payment there, in ſuch articles as ſhall be convenient for us to carry, and ſuited to their market; or we muſt buy them in *Europe*, and pay for them there.

Taking for granted then, that there is no profit on the cargo carried to the Eaſt-Indies, (though ſometimes very great profits are made on the outward cargo,) let it be conſidered that in the firſt caſe, we procure all our Eaſt India goods, at the firſt coſt, from the hands of the producer. In the latter, they are purchaſed with all the additional charges of freight to *Europe*, commiſſions, and profits of every man concerned in procuring them in India, ſending them to *Europe*, and ſelling them there; and when it is remembered that the trade from *Europe* is excluſively veſted in companies, which pay an immenſe ſum for this monopoly, and is at vaſt expenſe for the ſupport of military and civil eſtabliſhments, to ſecure their trade and poſſeſſions, and the orderly management of their concerns; all which muſt be charges on the goods, before they are ſold in *Europe*; it cannot be doubted that the direct trade to and from the

Britiſh Eaſt-Indies, will continue to be ſubſtantially beneficial. Indeed it is a well authenticated fact, that Eaſt-India goods are twenty-five per cent. cheaper in the *United States* than in *Europe*; and if imported from *Europe* by us, the charge muſt be made of at leaſt ten per cent. more, which would ariſe for commiſſions and exchange. It is clear then that we ſhould procure our Eaſt India goods from thirty to forty per centum cheaper under this article, than without permiſſion to go to the Eaſt-Indies, which it ſecures to us; the difference may be fairly called a ſubſtantial benefit to our citizens. This is the caſe in times of peace. In times of war, the difference will be greater, the charges in *Europe*, being greatly accumulated by war, freight, and inſurance.

The other queſtion that ariſes on this article is, are we, that is to ſay, both nations, conſtrained to keep this trade thus limited? Has not *Britain* the power to grant, and the *United States* the capacity to exerciſe the right of carrying Eaſt-India goods to *Europe*, if both parties conſent. When two make a contract, in which no other is intereſted; may they not diſſolve it, if both pleaſe? If diſſolve it, may they not grant to each other larger and greater benefits than are ſtipulated in the contract? Does ſtipulating to grant a right, by an individual or a nation, preclude a power to extend that right, or grant or permit the exerciſe of others. Is there any moral or natural incapacity in the *United States*, to receive an extenſion of the Commerce, granted in that article? Is there any in *Great-Britain* to grant? The anſwer muſt be clear, and will readily ſhew, that having certain rights by expreſs ſtipulation, cannot interfere with the grant or permiſſion of others.

Has any other power a right then to prohibit Britain from permitting, and *America* from exerciſing other rights? It is not pretended there is any.

If the Treaty is ratified, and *Great-Britain* ſhall chooſe to demand of us to make ſuch regulations as will inſure to them, that the veſſels of the *United States*, ſhall carry the goods laden in the Eaſt-Indies to the *United States*, and there unlade them, we ſhall be bound

bound to do it. But as this is a ſtipulation on our part, and for her benefit, if ſhe chooſes to wave it, and clear out our veſſels from her ports for *Europe*, they will have a right to go there. The Cuſtom-Houſe clearance would be an expreſs conſent on her part, and our right could not be conteſted by any one.

A miſtake of the Treaty has induced ſome people to ſuppoſe there are more reſtrictions on this trade, than is fairly warranted by the article.

It has been ſuppoſed, that the coaſting trade of India, now enjoyed, is henceforth abſolutely interdicted. The words are, "*It is alſo underſtood, that the permiſſion granted by this article is not to extend to allow the veſſels of the United States to carry on any part of the coaſting trade of the Britiſh territories.*" The legal and natural import of theſe words, is, *By virtue of this article*, no right ſhall be claimed to the coaſting trade of the Britiſh territories in *India*. The words are intended to prevent a right by implication; which the generality of the terms, expreſſing our authority to trade there, might be conſtrued to include. It certainly takes away no right drawn from other cauſes.—If a right to the coaſting trade of *India* can be founded on other principles, or derived from other ſources; this article certainly does not infringe that right: For the words are, *that the permiſſion granted by this article, is not to extend*, &c. &c. We are ſurely then in permiſſion of all the rights we were entitled to without the treaty.

Great-Britain, unleſs the Treaty is ratified, may reſtrict us from the coaſting trade of her territories in India, and alſo from all trade there, even that of direct importation and exportation. If the Treaty is ratified, ſhe will poſſeſs, notwithſtanding that, the right ſhe had before, and no greater, to prohibit us from that coaſting trade; but ſhe will not poſſeſs a right to refuſe us the direct trade of importation and exportation from her Eaſt-India ſettlements. Before the Treaty is ratified, ſhe may permit to our veſſels the coaſting trade--after it is ratified, ſhe may permit the ſame.

By our Treaty with the *United Netherlands*, we recognized in expreſs terms their colonal rights in the Eaſt and Weſt-Indies. No

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body ever doubted they were not free to permit and we to exercise the right of trading to their colonies, and accordingly they have permitted to us, and we have enjoyed a very lucrative, though restricted trade to some of them, especially to *Surrinam* and *Demarara*.

The 8th reason offered by the town, against ratifying the Treaty is, "*because in every stipulation respecting our intercourse with the colonial possessions of* Great-Britain, *the whole Commerce of the* United States, *in such intercourse, were colonized in return.*"

The writer of these remarks is at a loss to comprehend the precise meaning of the town in this reason. Does it mean that if we are permitted to trade with the colonies of *Great-Britain*, we can trade with those colonies only, or that we cannot export the articles we obtain there, from the United States to any other country.

Some writers have surrendered the whole commerce of their colonies, to an exclusive company; others, without establishing an exclusive company, have confined the whole commerce of their colonies, to a particular part of the mother country—whence no ship was allowed to sail, but either in a fleet, and at a particular season; or if single, in consequence of a license. Other nations leave the trade of their colonies free to all their subjects who may carry it on from all the different parts of the mother country, and who have occasion for no other license than the common dispatches of the Custom-house.

This is an account of the conduct of parent countries to their colonies, by the celebrated Adam Smith, in his treatise on the wealth of nations. Anderson, in his origin of commerce, speaking on the same subject, says, "*By every principle of justice, of the law of nations, and the customs of the other powers of Europe, who had settlements and distant dependencies, the mother country had an exclusive right to trade with, and to forbid all others from having any intercourse with them. Such an exclusive right cannot be denied by the very essence of colonization.*

The above quotations are made for the purpose of obtaining a clear idea of the rights of nations, having colonies, and the obligations

tions and reſtrictions of ſuch colonies—that by examining the ſtate of our commerce under the treaty, we may conclude whether conformable to any juſt idea affixed to the terms *colonizing commerce*, it can be truly ſaid, "*that the whole commerce of the United States, in ſuch intercourſe, is colonized in return.*" *By colonizing commerce, muſt then probably be underſtood, reſtricting commerce to a particular country, and particular people.*

The 3d and 13th articles of the treaty appear to be the only ones that reſpect our trade to the Britiſh colonies. By the 3d, we may trade freely by land in their colonies, we may carry there all ſorts of goods, and bring back any thing in return. We are ſtill free to procure the like articles from any other part of the world—and what we bring from thoſe colonies, we may export wherever we pleaſe. Here is no reſtriction as to the articles to be imported into their colonies, or exported from them by us, nor as to the place to which we may export the articles ſo brought from them.

The coloniſts may come into the United States, in the ſame manner, and for the ſame purpoſes as we enter their territories; but there is no reſtriction, that we will ſell only to them; or which gives to them any excluſive privileges; the ſame rights granted to them by treaty, we are free to grant to all the world.

The 13th article gives us a right to trade to the *Eaſt-Indies*, but contains no contract, that we will not buy elſewhere, the like articles that we procure from their ſettlements—neither does it ſay, that they ſhall have the excluſive privilege of trading with us—and the merchandize brought into the United States, from thoſe ſettlements are as free to be exported to any part of the world, as though that article did not exiſt—There does not appear any thing like that ſort of reſtriction on us, or excluſive right to them that can juſtify the terms, *colonizing the whole commerce of the United States in ſuch intercourſe, in return.*

The 9th reaſon given by the town, is, "*becauſe the clauſe by which the Britiſh government reſerves to itſelf the right of impoſing on American veſſels, entering Britiſh ports in Europe, a duty which ſhall countervail the difference of the duty payable on the importation*

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of European and Aſiatic Goods into the United States, in Britiſh or American bottoms, places it in the power of that government, to enable Britiſh ſubjects to become the importers of Aſiatic and European Goods, into the United States to the excluſion of our own citizens."

It is really difficult to comprehend how the reſervation here mentioned, can be attended with the conſequences ſuggeſted by the town.

If our veſſels enter their ports on equal terms as we permit their veſſels to enter ours, it is hard to conceive that we ſhould be loſſers, we make a rule, which the Treaty ſuppoſes more againſt them, than the rule by which they aſſeſs our veſſels. It is not probable that a nation of equal power, would conſent to terms manifeſtly unequal, neither is it reconcileable with the common principles of equality and juſtice, for a nation to object to that part of a bargain, which reſerves equal rights. At any rate, it may be fairly ſtated, that it is no objection to the Treaty, for it gives *Great-Britain* no new powers on this ſubject. She poſſeſſes a right of countervailing the difference mentioned, without any aid of the Treaty—and may exereiſe it whenever ſhe pleaſes. By the Treaty ſhe obligates herſelf to impoſe no higher duties on our veſſels, than ſhe does on thoſe of all other nations.

The 10th reaſon is "*becauſe although the terms of ſaid Treaty appear to be reciprocal in many inſtances, yet from the local ſituation and circumſtances of the* United States, *and the pacific ſyſtem of policy they have adopted, that reciprocity is merely nominal and deluſive.*"

The town leaves the world to conjecture what are the conſequences flowing from the local ſituation and circumſtances of the *United States*, and the pacific ſyſtem they have adopted, that renders the reciprocity purported by the terms of ſaid Treaty, to be merely nominal and deluſive. Perhaps the Preſident may ſee them from the aſſertion of the town, but ſurely it was due from the town, to the people of the United States, to point out the deluſion which had been overlooked by the miniſter and government of the United States. Not being able to detect this deluſion without further light, the writer muſt paſs over this reaſon, with one requeſt to his

readers,

readers, that they would not assent to this assertion, without examining the Treaty for themselves, and at least desiring the committee or selectmen of *Boston*, to expose the fraud before they pass censure on their whole government, for being deluded blockheads, or something worse.

The first part of the 11th reason is, "*because it prevents the United States from imposing any further restrictions on British trade alone.*"

If it were not the town of Boston, so respectable for wisdom and good sense, that offered this reason, one would hardly suspect that the reason originated in any thing, but a disposition to prevent all pacific arrangements with that nation. For no one will believe that Britain, or any other nation, who is not an humble and vanquished suppliant, would ever consent to make a treaty, by which she should place us on the same terms, as the most favoured nations; and we reserve to ourselves a right to treat her on terms less favourable than we do others. In our treaties with France, the United Netherlands, Sweden, and Prussia, we have reciprocally agreed to place each other on such terms. It is not wonderful that Mr. JAY could not indace the British nation, to bind *themselves* to treat us, as well as they do others, and leave us at liberty to treat them worse than we do others, when they gave us privileges in Europe, equal to what we received from other powers, with whom we had treaties, and some very important ones, not received from them; such as a trade with the *East-India* settlements, and their colonies on the *American* continent. The 6th and 9th reason, and this part of the 11th, may possibly serve as a comment on the 10th.

The Federalist.—No. IV.

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THE OBJECTIONS TO THE TREATY REFUTED.

MR. RUSSELL,

THE other part of the 11th reason is more serious, and is "*because it is stipulated that neither the debts due from individuals*

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of one nation, to individuals of the other, nor ſhares, nor monies which they have in the public funds, or in any public or private banks, ſhall ever in any event of war or national differences, be ſequeſtered or confiſcated. It is far from being impoſſible that the exerciſe of this right may in the opinion of the national legiſlature, contribute to preſerve the peace of our country, and protect the rights and property of the citizens from violation—we therefore eſteem it highly impolitic that the public faith ſhould be pledged that it ſhall never be exerciſed."

It will not be denied after ſome little reflection, by the inhabitants of Boſton, that credit is of the laſt importance to the people of the United States. It is that which nurtured our infancy, which now gives ſpring and vigor to all our exertions, public and private. Its invigorating effects have been evidenced in the hiſtory of the public, and of individuals, in ſuch ſtrong, and recent colours, as to leave no doubt that we are indebted to that, for our rapid advance to wealth and importance. Let the town of *Boſton* be contemplated with its great and thriving commerce. Is it not mutual confidence, is it not credit that ſupports the greateſt part? Conſider the wealth that is flowing in upon us from every country, confided to the honor of our merchants, and the juſtice of our laws—Weaken this confidence, wound credit but in the ſmalleſt degree, and you will ſee a thouſand hands, which now labor for their own emolument, and the public proſperity, palſied in an inſtant.

There is ſcarce an individual who would not revolt with horror at the ſuggeſtion, that, becauſe his nation was at war with the nation of his creditor, he ſhould refuſe to pay what was juſtly due. It is grown into a maxim, the truth of which is inſtantly felt, and aſſented to by every man of probity, that ſo far as reſpects himſelf, no national differences ought to weaken the obligations he is under to an individual.

The writer of theſe remarks firmly believes, that there is not a citizen of *Boſton* who would declare, he conſidered himſelf diſcharged from the debt due by him, becauſe there was a war between his own nation, and that of his creditor.

Foreign credit is the parent of domeſtic credit. There is no man who will view the extent, and importance of the former, but will be convinced that an injury to that will annihilate the latter, and with it all the domeſtic labor, and induſtry originating from and ſupported by it.

Do the inhabitants ſuppoſe that the government would attain any thing by ſequeſtering or confiſcating the debts of individuals? Let them recur to their own experience of what took place the laſt war, when individuals were required to pay into the public treaſury what was due to their abſent creditors, and they will be convinced, that inſtances of compliance were ſo rare, as to leave no doubt that few were the men who had honeſty enough to pay any one, but prefered at great hazards, to pay their creditors.

With reſpect to money in the public funds, the practice of nations and the authority of the moſt eminent writers on public law, has long ſince condemned the practice of ſequeſtering or confiſcating them—and it is laid down as the acknowledged law among all the modern nations, that "*a ſtate at war does not ſo much as touch the ſums which it owes to the enemy—Every where, in caſe of a war, funds credited to the public are exempt from confiſcation and ſeizure.*" The policy of a conduct, in the United States, leſs ſcrupulous in regard to national faith and honor, may juſtly be queſtioned. The baneful effects of war on the morals of a people, are always lamented as the greateſt calamity that awaits that dreadful peſtilence. Can there be any thing more deſtructive of that righteouſneſs which exalteth a nation, than the example ſet by a government of converting the confidence placed in it by an unſuſpecting individual, into a trap to deprive him of his property! The principle adopted at the fountain head, would ſoon ſpread through all the branches, and involve in deeper diſtreſs the unfortunate victims of war, than all the loſſes of quiet and property. War in its mildeſt form is to be deprecated as the greateſt evil. War thus commenced, would be deſtructive of private confidence, and leave us the ſlaves of vice and immorality, without character and without credit. The reaſon ſtates, that *it is*

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far from being impoſſible that the exerciſe of this right may in the opinion of the national legiſlature contribute to preſerve the peace of our country, and protect the rights and property of the citizens from violation.

Few men who are actuated by a pure love for their country, would wiſh to derive its ſafety from a conviction in the world, that it has abandoned thoſe principles of honeſty, and regard to public and private faith, which are commonly practiſed among nations.

But ſuppoſing there are ſuch, let them remember that our own citizens have property in other countries—that the conſequence of depriving foreigners of the confidence now entertained in our laws and government, if they chooſe to riſque their property in America, will be a payment on our part for every riſque they run—that means will not be wanting by which their credits may be ſecreted from public graſp. Let us go further, and grant that ſuſpicions of war with this country could not have guarded men, thus adviſed of our principles, from being enſnared—that we were ſo ſudden in commencing hoſtilities, as to afford no chance of eſcape; and to give to this diſaſtrous and diſgraceful warfare, all the effect that could poſſibly flow from it—is it probable ſuch a meaſure would prevent war, would protect the rights and property of our citizens from violation? Would not the nation thus injured immediately make repriſals, long before we could build ſhips of war to ſupport this ſeizure, or call home our own defenceleſs property. Let it be remembered in contemplating this ſubject, that the nations of *Europe* have large fleets; that we are without any; that our veſſels ſail unguarded, and unarmed; every moment liable to be taken, while theirs are in many inſtances protected with military force.

Such a principle once adopted, temptations to war would be multiplied to a nation whoſe intereſt is concerned in the cultivation of peace. War muſt be carried on by credit, either borrowing at home or abroad. The current revenues of no country are ſufficient to meet the expences of war. In proportion to our credit, or want of it, muſt we pay for the means of fighting our enemy. There can be no doubt but a war undertaken with ſuch an oppoſition to the received

ceived maxims of public faith, would be attended with difficulties and expences in the procuring of money, that would infinitely outweigh any amount of property thus ſequeſtered or confiſcated. As little doubt can there be that at the making of peace we ſhould be willing to contract for the payment of property thus detained.

It may be fairly inferred, that no ſuch right as the town contemplates, exiſts, according to the law of nations—that if ſuch right did exiſt, it could in no caſe be expedient to exerciſe it. But that the inſertion of ſuch an article in a treaty, ſhould be an objection to its ratification, ſpeaks a language, which, it is ſincerely hoped, the town, on more mature reflection, would completely diſcard.

The reverſe of the poſition is more true, viz. That a conviction on the mind of all foreigners that the United States would in no inſtance touch the credits or property of aliens, confided either to their private citizens or the public faith, would contribute to preſerve the peace of our country, and protect the rights and properties of the citizens from violation. The more and abſolutely certain this was made to foreigners, with the more confidence would they place their monies and other property in our country. Beſide the beneficial effects derived from this credit; in caſe of any national difference or miſunderſtanding, there would be a large and influential part of the foreign community deeply intereſted in preſerving the peace of *America*; in protecting from violation the rights and property of our citizens, and obtaining from their own government, without war, a redreſs of our wrongs.

In addition to what has been before ſaid on debts, property, and effects of individuals, due from our own citizens, or depoſited in our country; it ought to be further remarked, that all our treaties ſecure on each ſide perfect ſafety. All the modern treaties among the European Powers do the ſame. *Tunis*, *Tripoli*, and *Algiers*, have not failed to make ſuch contract in their treaties.

The 12th reaſon ſtated by the town, is "*becauſe it concedes a right to the Britiſh government, to ſearch and detain our veſſels in time of war, under frivolous and vexatious pretexts.*" Really *no article*

conceding

conceding any right to the Britiſh government, to ſearch and detain veſſels, under any pretext, can be found.

All nations at war have a right to ſtop neutral veſſels, and examine their papers, the nature of the property, to whom it belongs, and its deſtination. *Great-Britain* has this right, and exerciſes it in common with the other belligerent powers toward neutrals.

The 17th and 19th contain ſtipulations that may leſſen the injury to neutrals, or ſecure compenſation when committed, but not one word conceding any rights. So far as theſe articles reſpect thoſe points, they are certainly an acquiſition to us, conſidering Britain is now at war, and we at peace.

The 13th reaſon of the town, is, "*becauſe it agrees that ſhip timber, tar, hemp, ſails, and copper ſhall be conſidered contraband in war, which articles are expreſsly ſtipulated to be free by the treaties already ſubſiſting between the United States and all other nations with whom they are in compact.*"

The weight of the objection here, ſeems to be in an implication that this may offend againſt treaties made with other nations. If the reader will caſt his eye over the 25th article, he will ſee the following clauſe, viz.—"*Nothing in this treaty contained ſhall however be conſtrued to operate contrary to former exiſting public treaties, with other ſovereigns or ſtates.*" This certainly ſecures the treaty from any charge of repugnancy with other treaties. And a moment's conſideration of the advantages to be derived from the tranſportation of ſuch articles, will ſhew that recognizing them as contraband, cannot be of any importance; ſurely not of ſufficient conſequence to cauſe the interference of the town with the conſtituted authorities of government. It ſhould be remarked alſo, that the other treaties were mere contracts between us, and other nations, declaring what by thoſe parties ſhould be deemed contraband, in caſe one was at war, and the other at peace. The nations were reſpectively free to treat with others, and make a more extended, or more limited liſt of contrabands. In our other treaties, many articles, which by the law of nations are contraband, are excepted. By

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the law of nations, all naval ſtores are contraband.—*Great-Britain*, without any aid from treaty, is authorized to ſtop ſuch articles going to their enemy.

The 14th reaſon is, "*becauſe it ſurrenders all or moſt of the benefits of a commercial nature which we had a right to expect from our neutrality.*"

This is a broad and vague charge, which at leaſt ought to be ſupported, by ſtating what we had ſurrendered, and what we had a right to expect. No ſurrender of benefits of a commercial nature can be ſeen in the treaty. It ſtates what ſhall be the mutual rights, and that ſuch ſhall be reſpected; ſome are granted which we are certainly not entitled to without the treaty.

The 15th reaſon is, "*becauſe it precludes the hope of receiving any advantage from the modern law of nations, referred to in the Preſident's proclamation of neutrality, adopted by moſt of the nations of Europe, in the laſt war, and to which we then acceded, and have ſecured in our treaties with all other nations.*"

It is probable the town intends here, that we have precluded ourſelves from the hope of receiving advantage by a principle adopted by the armed neutrality the laſt war, that of carrying enemy's goods in neutral ſhips, free from capture.

There is no queſtion but, by the law of nations, enemy's goods are liable to confiſcation, though found in the ſhip of a friend. During the laſt war, certain powers of Europe ſtipulated to adopt a different principle, viz. That the ſhip of a friend ſhould render free the goods of an enemy; and that the ſhip of an enemy ſhould taint and render liable to confiſcation the goods of a friend.

Great-Britain, though oppoſed by *America*, and all the important powers of Europe, refuſed to accede to this alteration. Our own government has recognized the law of nations in this particular, as expounded by *Great-Britain*, and has declared that the oppoſite principle muſt depend on treaties, which treaties depend on the will of other nations, as well as our own, and we can only obtain them, when they ſhall be ready to concur. It is alſo ſaid, that the northern

ern powers of Europe have ceaſed to contend for this principle of the armed neutrality, as it was called. Thus much is certain, that *Ruſſia*, who was the moſt potent of the league is now in cloſe alliance with *Britain*, and of courſe would not promote the ſyſtem ſhe adopted the laſt war.

We have acceded to new rights; we have not ſurrendered any principles advantageous to ourſelves. The law ſtands preciſely as it did before the treaty; and it is not probable that the United States had any boon to offer which could induce *Britain* to invert the rule, as now acknowledged by nations. When it is conſidered that ſhe is at war, and we at peace; and that ſhe appears to found her greateſt hope of ſucceſs, againſt her enemies, on her naval ſtrength, it ſhould alſo be remembered, that though *France* expreſsly ſtipulated in her treaty with the United Srate., that the goods of her enemies, on board our veſſels ſhould be free, yet in many inſtances ſhe has choſen to ſwerve from this ſtipulation and capture, and confiſcate the property of her enemy on board our ſhips.

The words of the reaſon, that the treaty *precludes the hope of receiving any advantage, &c.* (if the principle before mentioned is what the town alludes to) extend further than is warranted by the treaty; for in that inſtrument there is the following ſtipulation—"*The ſaid parties will alſo renew their diſcuſſion*, and endeavour to agree *whether in any, and in what caſes neutral veſſels ſhall protect enemy's property.*" It can hardly be ſaid that a treaty *precludes all hope* of a benefit, when the parties have expreſsly contracted to renew a diſcuſſion thereon, and endeavour to agree in what caſes it ſhall be made.

The 16th reaſon is, "*becauſe it not only ſurrenders the right of carrying the property of any nation at war with* Great-Britain, *in our veſſels freely, but abandons all pretenſions even to freight.*"

It has been ſhewn, in the remarks on the 15th reaſon, that we have no right, by the law of nations, to carry the property of a nation at war with *Great-Britain*, free from ſeizure. If therefore, the treaty expreſsly recognizes the principle that enemy's property

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is liable to confiſcation though on board the veſſel of a friend, it does no more than the government has done before. It ſurrenders no right, for no right thus to protect enemies goods, exiſts between us and *Great-Britain.*

The reaſon further ſtates, "*that the Treaty abandons all pretenſions even to freight.*"

The writer of theſe remarks has looked with attention through the treaty to find the clauſe on which this aſſertion is made, he can really find none that will ſupport it. "*Effects belonging to an enemy found on board a neutral ſhip, are ſeizable by the rights of war, but by the law of nature the maſter is to be paid his freight, and not to ſuffer by the ſeizure.*" There is nothing in the treaty to controvert this principle declared by VATTEL. It cannot be doubted, that in all caſes, where prior to the ratification of the treaty, freight is payable for goods of an enemy, to *Britain*, found on board of an American veſſel, the ſame will be equally payable when the treaty is ratified, if that event ſhould take place. For there is nothing in the treaty that can imply a relinquiſhment of our rights by the law of nations, much leſs an abandonment of all pretenſions to freight, in ſuch caſes. In the latter part of the 17th article of the treaty there is an expreſs agreement to pay freight where by law it could not be demanded.

The 17th reaſon is, "*becauſe it permits the Britiſh nation to convert proviſions deſtined to other nations at war with them to their own uſe, on payment of what they deem a reaſonable profit; a meaſure not only injurious to the intereſts of the American merchants, but which will prevent our citizens from carrying thoſe ſupplies to other countries, which by the laws of nature and nations, we have a right to do without moleſtation.*"

It is preſumed that the town in this reaſon refers to the 17th article of the treaty. An examination of that article will ſhew that the town has miſtaken its import, and that inſtead of ſurrendering a right, it acquires one to which we are not entitled, unleſs the treaty is ratified. All writers on the law of nations, agree, that there

are

caſes in which proviſions are contraband ; though it would ſeem by the generality of the expreſſions of the town, in the laſt paragraph of this reaſon, that there is a right to carry ſupplies in all caſes, without moleſtation. It can hardly be believed, that this was the meaning of the town ; yet if any ſhould think thus, they may have the conſolation to reflect, that there is nothing in this treaty that prevents an endeavour to ſupport ſuch a propoſition—the words being " *where, by* the exiſting law of nations, *they are contraband* " Now if there is no caſe where by the law of nations they are contraband, then there is no right to ſeize them under that article.

The article in the treaty, ſtates, " *that whereas the difficulty of agreeing on the preciſe caſes, in which alone, proviſions and other articles, not generally contraband, may be regarded as ſuch, renders it expedient to provide againſt the inconveniences and miſunderſtandings which might thence ariſe : It is further agreed, that whenever* any ſuch article ſo becoming contraband, according to the exiſting law of nations, *ſhall for that reaſon be ſeized, the* ſame ſhall not be confiſcated, *but the owners thereof ſhall be* ſpeedily and completely indemnified ; *and the captors, or in their default the government under whoſe authority they act, ſhall pay the full value of all articles, with a reaſonable mercantile profit thereon, together with the freight, and alſo the demurrage incident to ſuch detention.*" Hence it is clear, that the treaty does not give any new right to the Britiſh nation ; it does not permit the taking proviſions, &c. in any caſe where ſhe is not authorized to by the law of nations—it permits the taking them only where by the *exiſting law of nations, they are contraband.* Here is no cauſe of complaint—The other part of the article is a poſitive advantage to the nation at peace ; for it expreſsly contracts to pay for ſuch proviſions, where, by law, the nation ſeizing them would be under no obligation to pay, viz. in caſes where by the exiſting law of nations they are contraband ; and in no other caſe are they ſeizable by treaty. The article goes further, it not only ſtipulates for payment, but for complete and ſpeedy indemnification,

reaſonable profits, freight and demurrage, and that the government ſhall pay, if the individual captors ſhall fail. Is it injurious to the intereſt of the American merchant, that, in caſes where his property is, by the law of nations, juſtly forfeited, the treaty ſecures to him full and complete indemnification, payment with profit, freight and demurrage? Will our citizens be prevented from carrying ſupplies to other countries, becauſe the hazards are leſſened—becauſe in every event they are ſure of making a good voyage? Surely the anſwers will contradict the reaſon of the town.

The 16th reaſon given by the town, is, "*becauſe it limits the power of Congreſs, delegated to them by the Conſtitution, to regulate our commerce with foreign nations, by preſcribing conditions, and creating impediments to the exerciſe of that power.*"

The conſtitution, in the diſtribution of powers, as completely veſts the powers delegated to the Preſident and Senate, as it veſts thoſe it delegates to Congreſs. The Preſident has power, by and with the advice and conſent of the Senate, to make treaties; when therefore he thus makes a treaty, it is as much an act of the whole people of the United States, as any law of Congreſs. Is he limited as to the kind of treaties he ſhall make? There is no limitation in the Conſtitution. But then it is ſaid, "Congreſs has a right to regulate commerce with foreign nations, and as this treaty regulates commerce with a foreign nation, it limits the power of Congreſs"; and ſuppoſe it does, if it is a conſtitutional act, the limitation is as legal as though the Conſtitution had declared in expreſs terms, that Congreſs ſhould have a right to regulate commerce, where it was not otherwiſe regulated by treaty. Perhaps it may be ſaid, that the conſtitution intended ſuch treaties, as did not interfere with the powers delegated to Congreſs. The inference, from this conſtruction, would be, that no commercial treaty could could ever be made, and looking at the powers of Congreſs, it will be doubtful if any other treaty can be made, or if the United States can make any treaty—for Congreſs has no power to make a treaty—and if the Preſident, who, with the advice and conſent of the Senate, is alone

authorized

authorized to make treaties, can make no treaty, which reſpects any of the powers veſted in Congreſs, there is no man or body of men authorized to treat with foreign nations.

Treaties generally ſpeaking, are mere treaties of peace, or treaties of commerce; Congreſs has power to make war, grant letters of marque and repriſal. If the Preſident with conſent of Senate, makes a treaty of Peace, according to the reaſoning of the town, he limits the power of Congreſs, which has authority to make war, and in the treaty ſpoken of, there is a ſtipulation, that there ſhall be a firm and inviolable peace between the parties—It is equally objectionable on this ground, as on that of regulating commerce. If the United States ſhould be at war with any nation, on ſuch conſtruction, they muſt remain eternally at war—Congreſs has declared war—has done an act which that body alone had a right to do; the Preſident by making peace does not barely limit a power to act; but does that which is in direct violation of an act conſtitutionally done by Congreſs, and operates as an abſolute repeal of their declaration of war. Such a conſtruction of the Conſtitution is not to be admitted.

We ought never to admit a conſtruction of any inſtrument, which leads to an abſurdity, or to the deſtruction of any part; we ought to reconcile all parts thereof, if poſſible, ſo that every portion of it may take effect, and no word but what may operate in ſome ſhape or other. Let us endeavour to conſtrue this inſtrument by theſe rules:—The Preſident with the advice and conſent of the Senate, makes a Treaty of Peace with a nation, with whom the United States are at war. He has done an act which he thought wiſe; the next or the ſame day, Congreſs receives ſuch information, as in their opinion renders it expedient to declare war. This militates with what was done; but it by no means follows that either was wrong; or that the conſtitutional power of either was limited by their conſtitutional acts. Both have exerciſed that power which each had a right to exerciſe. The ſtate of war was complete until the Preſident made peace; and the ſtate of peace, the true and legal ſtate, until Congreſs declared war, which repealed the doings of the Preſident.

In

In a treaty of commerce, it is contracted that duties ſhall be no higher than at preſent. Afterwards Congreſs chooſes to impoſe higher duties, and actually does impoſe higher than is ſtipulated in the Treaty. The Treaty is contravened, and the nation muſt abide the good or evil conſequences that flow from the meaſure, in like manner as it would, if Congreſs ſhould chooſe to declare war, and annul an article which declares there ſhall be a perpetual peace, as is the caſe in ſome treaties. If this conſtruction is right, there can be no limitation even in terms of the power of Congreſs, eſpecially when it is recollected, that a bare majority of both houſes, with the Preſident, is ſufficient to paſs a law, while two thirds of the Senate is neceſſary to make a treaty. But ſuppoſe any doubt this conſtruction, and in the caſe of an impoſition of higher duties than is ſtipulated by the treaty, the party, conſidering himſelf injured by the law, refuſes to pay; a ſuit is commenced, and the cauſe in the laſt inſtance is decided by the Supreme Judicial Court, who are authoriſed to determine whether ſuch an act be, or not, conformable to the Conſtitution. If the act of Congreſs is determined to be unconſtitutional; the treaty could not be called a limitation of the power veſted in them by the conſtitution; ſince it appears that the conſtiſtution did not veſt in Congreſs a power to make ſuch act. Therefore, in no caſe, can the Treaty be called a "*limitation of the power of Congreſs, delegated to them by the Conſtitution.*"

The foregoing has been attempted to obviate the objection of the town as ſtated, and to ſhew that there can, neither in fact nor terms, be any limitation to the powers veſted in Congreſs—In the opinion of this writer, there is a ſhort, but equally ſatisfactory anſwer to thoſe who fear a real interference in the departments of government, from the wording of the Conſtitution—The people of the United States were well aware, that there were two modes of regulating commerce—one by Treaty, where nations are diſpoſed to treat on terms beneficial to each other—The other, where nations are unwilling thus to treat, by laws conſtitutionally made—Under this impreſſion they framed their Conſtitution—If nations are unwilling to treat with the United States on the rights of Commerce,

or

or we are unwilling to treat with them, Congreſs is the conſtitutional body to make laws, regulating the commerce between them and us—If nations are willing to treat on their and our commercial relations—the Executive is the organ with whom they are to negociate; and who, by and with the advice and conſent of the Senate, is authorized to regulate Commerce between the United States and ſuch nations.

The 19th reaſon, is "*becauſe it expoſes the United States and their Commerce, to ſimilar embarraſſments, from other commercial nations, all of whom will probably regulate our Commerce by this partial ſtandard.*"

It may be anſwered, that we are under no obligation to make other treaties, becauſe we have made this, and if in the courſe of two years from a ceſſation of the war in which *Great-Britain* is now engaged, it ſhould appear to be injurious to us, we can drop all its load of commercial burthens, and embarraſſments—It might have been well in the town to have ſtated the peculiar embarraſſments the Treaty impoſes upon us, and which are avoided by its deſtruction. It ſurrenders no rights we now enjoy, but grants ſome we had not before, and renders abſolute what was before precarious. Our other treaties admit us to trade in *Europe*, as the moſt favoured nations. The treaty with *Great-Britain* does the ſame. It alſo admits us into their *Eaſt-India* ſettlements, and their colonies on the continent of *North-America*, to trade with them on terms highly favourable to our commerce. No other nation has granted to us like advantages. The treaty with *France* admits us into certain free ports in the *Weſt-Indies*, under regulations not mentioned in the treaty, but varying according to the will of the ruling power.

The laſt reaſon is, "*becauſe in the opinion of the inhabitants of the town, the nature and extent of the exports of the United States are ſuch, that in all their ſtipulations with foreign nations, they have it in their power to ſecure a perfect reciprocity of intercourſe, not only with their home dominions, but with all their colonial dependencies.*"

It

It is not wonderful, that the town of *Boſton* ſhould violently oppoſe the Treaty, if ſuch be their opinion; but then they ſhould equally wiſh for the annulling of all the exiſting treaties—Reſtrictions and regulations ſhould be impoſed on all foreign commerce, till thoſe treaties are deſtroyed, or ſuch trade can be obtained. But as the town has not choſen to give their reaſons for this opinion, it is not impoſſible the Preſident may truſt to the experience of the United States, from the Treaties already made, and his own knowledge of the temper of foreign powers on this ſubject, rather than to the opinion of the town of *Boſton*, however reſpectable.

The

The Conſtitutionaliſt——No. I,

As publiſhed in the Chronicle, July 27, 1795.

Meſſrs. ADAMS and LARKIN,

THE FEDERALIST, No. I, in the *Centinel* of Wedneſday laſt, has prefixed to his remarks this preamble: "Objections to the Treaty refuted," as if he felt confident that fifteen hundred of the inhabitants of this town, had totally miſconſtrued this inſtrument, and that his *pen alone*, like a *ſun beam*, was to dart light upon their minds.

I will attempt to follow this writer through his *luminous* tract of detail and argument, and to aſcertain how far he has executed his engagement to the public.

He premiſes thus: "The Conſtitution of the United States empowers the Preſident, by, and with the advice and conſent of two thirds of the Senate, to make Treaties, provided two thirds of the Senators preſent, concur," and then adds, "in purſuance of a power *thus* veſted, the Senate of the United States did conſent to, and adviſe the Preſident of the United States to ratify the Treaty of Amity, Commerce and Navigation, between his Britannic Majeſty and the United States of America, concluded at London, the 19th Nov. 1794, under a certain condition relative to the 12th art.

That the Conſtitution does veſt a power in the Preſident, in conjunction with the Senate, to make treaties of a certain extent, I will not deny, however dangerous it may be that the ſmalleſt branch of the Legiſlature, ſhould *thus* poſſeſs it in any caſe, independent of the other branch; yet I will contend, that the conſtitution does not empower the Preſident, in conjunction with the Senate, to make a treaty ſimilar to that now under conſideration.

The ſame conſtitution in which the Federaliſt traces this power,

alſo provides in art. 1, ſect. 7, "*that all bills for raiſing revenue ſhall originate in the Houſe of Repreſentatives.*" In ſect. 8, immediately following, it alſo provides, "*that Congreſs ſhall have power to lay and collect taxes, duties, impoſts, and exciſes,* to pay the debts *and provide for the common defence and general welfare of the United States,*" and to "*regulate commerce with foreign nations, and among the ſeveral States, and with the Indian tribes.*"

By the above recited clauſes it is clear, that certain powers are ſacredly lodged in the whole Congreſs; and I will examine whether the Preſident, with the Senate, do not attempt to exerciſe them by the ratification of the treaty.

The 6th art. of that inſtrument ſtipulates for the payment of the Britiſh debts, due from merchants of the United States in 1783; to execute which ſtipulation it will be indiſpenſably neceſſary to *lay* and *collect taxes, duties, impoſts, or exciſes.*

The 3d and 13th articles, regulate the commerce of the United States with Great-Britain, and in a great meaſure, their traffic with the Indian tribes.

Hence it appears that the Senate did not conſent to and adviſe the Preſident to the ratification of the Treaty, as the *Federaliſt* ſtates, in *purſuance* of a power *veſted* in them, but in *extenſion* of a power which the conſtitution meant to limit and reſtrict in their poſſeſſion.

The exerciſe of this power, thus extended, may lead to conſequences the moſt dangerous.

The Senate thereby aſſumes powers conſtitutionally veſted in the Houſe of Repreſentatives, becomes an uncontrolable ariſtocratic body, like the imperious Senate of *Venice*, and annihilates that *glorious equilibrium* between the two branches, intended and calculated for the preſervation of our government.

I ſhall not follow the *Federaliſt* through all his nice calculations of time from the firſt publication of an authentic copy of the treaty in *Philadelphia*, by means of Mr. MASON, to its publication in this

this town. I *here* only remark, that the man who firſt ventured to drag from its dark and ſecret cavern this *political monſter*, and to preſent it in all its native deformities to public view, although calumniated by the *diſguiſed enemy*, will forever be applauded by the *open friends* of his country.

The inhabitants of this town through the medium of the ſeveral papers had read nearly a *counterpart* in ſubſtance of the treaty, before the arrival of the expreſs from *Philadelphia*, with Mr. MASON's copy of it—and the preparatory ſteps to the town-meeting were totally unconnected with this event, as ſeveral reſpectable citizens had ſome days before drawn a petition for the purpoſe. This town, from the time of the ſtamp-act to this period, has always had wiſdom to *diſcern when*, and firmneſs to decide *how* to act upon its important interior concerns, independent of any external influence; and the inſinuations of ſome, that the expreſs from *Philadelphia* gave riſe to or accelerated its late proceedings are as ſcandalous as they are falſe.

As the *Federaliſt* has been incorrect in his detail of the occurrencies at the meeting, I will offer this ſtatement to the public, and leave it with them to decide, whether the town upon *this* occaſion, is chargeable with any deviation from its uſual propriety and deliberation of conduct.

Purſuant to notification on the 10th inſt. fifteen hundred inhabitants aſſembled at *Faneuil-Hall*, for the purpoſe of expreſſing their opinions upon the Treaty. Prior to any proceedings, it was propoſed to the Moderator to read the Treaty, but objections in various quarters were made, that the inhabitants had had ſeveral days for the inveſtigation of the ſubject—that it was too important not to have engaged their attention, and that the emergency of the moment was too great to juſtify the loſs of time in reading an inſtrument which every one had read. General remarks were then made upon the moſt exceptionable articles, and any perſon challenged to reply to them—They then unanimouſly voted their diſapprobation

of the treaty, and chose a Committee of fifteen men, of integrity and abilities, to report "in writing the reasons which led to their disapprobation of that instrument."

From the 10th to the 13th, the inhabitants had themselves further opportunity for the consideration of the subject, and the committee were indefatigable in their investigation of it, and after several meetings and discussions of it in articles, unanimously agreed in their resolutions. On Monday at the adjournment, the inhabitants again assembled, where fifteen hundred heard the report of the committee, read first in gross, and then in articles, and unanimously accepted the same.

I will not contend with the *Federalist* about the time the Senate were employed in their discussion of the treaty, or their superior advantages over the town for *secret cabinet information* upon the subject, nor "the *pure* morals, *sound understanding*, and *industrious* and *steady* attention to their duties," of the majority who were in favor of its ratification.

Whatever may have been their services in times past, even "in times the most critical and dangerous," if true patriots, those very services have been their reward; but even if their country is *now* their debtor, the consideration will not check an inquiry into the present political measure. "Men who love their country, (says he) 'will endeavour to support its government," and "men who love their country" will also endeavor to repel from it any impending injuries, in whatever form or under whatever sanction they may appear.

Having thus travelled through the *mazy* introduction of the *Federalist*, I now meet him upon the real subject of controversy, "his examination of the solidity of the reasons of the town in proof of their vote:" viz.

"*That the Treaty, if ratified, will be highly injurious to the commercial interests of the United States, derogatory to their national honor, and may be dangerous to the peace and happiness of their citizens.*"

The

The *Federaliſt* has directed his firſt remark to the introductory objection of the Committee, which ſtands thus, "*Becauſe that compact profeſſes, to have no reference to the merits of the complaints and pretenſions of the contracting parties, but in* reality *the complaints and pretenſions of Great-Britain are fully provided for, while a part only of thoſe of the United States have been brought into conſideration.*"

To refute this objection he oppoſes to it the preamble of the Treaty, which ſtands thus, "*the parties being deſirous, by a Treaty of Amity, Commerce, and Navigation, to terminate their differences, in ſuch a manner, as without reference to the merits of their reſpective complaints and pretenſions, may be the beſt calculated to produce mutual ſatisfaction and good underſtanding.*"

I cheerfully agree with the *Federaliſt* that the public ſhall decide the difference in the import of the above recited objection of the Committee and the preamble to the Treaty.

The Committee could not know what the two Miniſters, while in the act of forming the Treaty, brought into conſideration, and therefore could not have intended in the objection, the aſſertion with which the *Federaliſt* charges them—but the Committee could ſee what was actually brought into conſideration in the *Treaty itſelf*, and therefore did make the aſſertion which the words in the objection import; for the truth of which aſſertion, "that the complaints and pretenſions of Great-Britain are *fully* provided for, while a *part only* of thoſe of the UnitedStates have been brought into *conſideration*, the *Treaty itſelf* furniſhes the following facts.

On the part of Great-Britain, the complaint and pretenſions brought into conſideration and provided for, are,

The ſpeedy payment of her debts due from American Merchants, in 1783.

The right of her ſubjects, after the ſurrender of the Poſts, to remain within the territory, and hold their eſtates in the ſame manner as citizens of the United States.

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The relinquiſhment by the United States of a right, inherent in all nations, in caſe of war or any national emergency, to confiſcate her debts.

Reſtitution agreeably to the letter of Mr. JEFFERSON, for captures of her veſſels by the French within the limits and juriſdiction of the United States.

The right of ingreſs and egreſs through the territorial dominions of the United States, to the higheſt ports of entry.

The aſſent of the United States to riſk upon the caſt of a die, millions of acres of territory, within the St. Croix, clearly and indiſputably their property.

On the part of the United States, the complaints and pretenſions brought into conſideration and provided for, are.—

The ſurrender of the Weſtern Poſts, the 1ſt of June, 1796.

An oſtenſible reſtitution for the ſpoilations of the *Britiſh* veſſels upon the Commerce of their citizens in the courſe of the preſent war.

I now aſk the *Federaliſt* to point to any other pretenſion and complaint on the part of the United States, in addition to the two already mentioned, which have been brought into conſideration in the Treaty, although many are known to exiſt, and which ought to have been conſidered in order to reciprocate for thoſe provided for in favour of *Great-Britain*. If *none* can be found, the Committee are certainly chargeable with no impropriety in that reſolution.

The *Federaliſt* proceeds to attack the 2d objection in the report of the Committee, which ſtands thus, "*Becauſe in the ſtipulation which ſurrenders our Poſts on the Weſtern Frontiers, no proviſion is made to indemniſy the United States for the commercial and other loſſes they have ſuſtained, and the heavy expences to which they have been ſubjected, in conſequence of being kept out of poſſeſſion twelve years, in direct violation of the Treaty of Peace.*"

In this reaſon, (ſays the *Federaliſt*,) the town muſt intend that no Treaty ſhould be acceded to unleſs the *Britiſh* nation would firſt

agree

agree to indemnify the United States for all losses that arose from our not being in possession of the Posts the last 12 years.

Whence he draws this inference I cannot conceive, because the town consider *this*, with various other *reasons*, the ground why the Treaty should not be acceded to; can he by any rule of logic infer that the town must intend that *this* reason *alone* is the *sine qua non*. But that this reason in itself is an important objection is not difficult to demonstrate. The stipulation for the surrender of the Western Posts is to be considered in connection with the counter-stipulation for the payment of *British* debts, in which connection it has ever been considered by the two nations. Without *here* determining which nation was the first aggressor in violating the Treaty of 1783, it is necessary *only* to examine the respective claims of the two nations.

Britain on her part has claimed her debts; by the Treaty, the United States, without any consideration of the equitable demand against them, stipulate to pay the debts, with the interest which is equivalent to the damage for the non-payment of them. The United States on their part claim the Posts; Britain by the Treaty, stipulates to surrender them 1st of June, 1796, but without any damage for the detention of them.

Where then is *that reciprocal justice* in those two stipulations, the basis of all Treaties between sovereign nations?

But, says the *Federalist*, "in the various wars that have taken place for the wrongful detention of territories, few if any are the instances, that the vanquished nation paid for the injuries and losses that have arisen from such detention."

No war has taken place for the wrongful detention of the Posts, in which the victors would have been bound by that magnanimous conduct which has generally characterized the victorious nation, to receive the territories without the damage for the detention of them; but the two nations at peace with each other, meet together to do mutual justice, and if the Posts were the property of the United States,

States, and Britain on her part has received her full demand by the non-payment of which she justified her detention of them; most certainly the United States on their part have a right to ask in addition to the surrender of them, the damage they have sustained by the detention of them.

I think I have thus shewn that the second objection is not refuted by the *Federalist*, and the public are to judge whether the omission of many of the complaints and pretensions of the United States in the Treaty, is not in exact correspondence with the uniform language of Great-Britain, and does not support the declaration of her Minister in his communications with the American Minister, that the terms upon *which*, and *upon which* alone, Britain would treat with the United States, was an entire reliance on their part, on her magnanimity.

The Constitutionalist——No. II,

As published in the Chronicle, July 30, 1795.

Messrs. Adams and Larkin,

I PROCEED in this number, to examine the strictures of the Federalist upon several other reasons in the report of the committee.

The 7th art. of the Treaty of 1783, is in these words, "His Britannic Majesty shall with all convenient speed, and without causing *any destruction*, or carrying away *any negroes*, or *other property* of the American inhabitants, withdraw all his armies, &c. &c.

Upon which particular and absolute provision, the committee predicated the 3d reason in the report, "because no indemnification is to be made to the citizens of the United States, for property taken from them at the close of the war, the restitution of which is provided for by the same Treaty."

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It is presumable from the insertion of this provision in the Treaty relative to negroes, that the American Minister foresaw the danger to which *that* species of property would be exposed at the embarkation of the British armies, and considered it of sufficient importance for his *particular* attention. The existence of this Treaty was communicated to the Generals of those armies in the month of April in *that* year, from which moment *this*, with every other species of the property of the American inhabitants, ought to have been held by them as sacred; yet in the very next succeeding month it is well known, that a large number of negroes did embark for the British provinces. Gen. WASHINGTON, in his letter to Sir GUY CARLETON, complains of it, as a violation of this article in the treaty; and the answer of CARLETON implies both an acknowledgment of the fact, and from his precautions in ascertaining their number and value, an indirect opinion at least, which he himself had formed, that restitution would be made for them. At the time of the evacuation of the British army, it is known, from the inspection of American Commissioners, that 3000 negroes embarked with it. This repeated violation of the Treaty, Mr. JEFFERSON has noticed in very pointed language; but the FEDERALIST differs in opinion both from WASHINGTON and JEFFERSON; and as a British expositor of that article, denies such violation of it on the part of Britain.

Apprehensive that this construction might not be satisfactory and conclusive, the FEDERALIST next attempts to diminish the evil to a mere atom. The whole number of negroes to which the provision refers, may or may not fall short of the number as above stated; but will any man believe, with the Federalist, that free negroes would, in any considerable number, have abandoned this land of freedom, and attached themselves to the British armies; or that negroes who had masters would have gone off with them, when they could have remained here in freedom; or that the armies themselves would have carried off a mere incumbrance, negroes of extreme old age, the youngest infants, the sick and the worthless—conduct like this would scarcely comport with the usual nice discriminations of the British

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nation, between things of value and of no value, and ſuch as would be for and againſt its intereſt.

If then the number ſtands undiminiſhed by the calculations of the FEDERALIST, it will be very eaſy to compute the loſs; 3000 at the moderate ſum of 200 dollars for each negro, will give 600,000 dollars; which ſum with the intereſt added, in the ſame manner as by the treaty is to be added to the Britiſh debts, will make the groſs ſum at leaſt 1500,000 dollars. This ſum, independent of any other loſſes ſuſtained by American citizens, would operate the diſcharge of a conſiderable part of the Britiſh debts, and the American miniſter can in no way juſtify the relinquiſhment of it. The public then will judge, whether it is preſumable that the Britiſh nation would have refuſed the allowance of this demand, had the Miniſter brought it into conſideration, and whether, in caſe of refuſal, the Miniſter ought, or ought not to have urged it as an indiſpenſible article in the treaty.

The 4th reaſon in the report is, Becauſe the capture of veſſels, and the property of the citizens of the United States, made under the authority of the government of Great-Britain, is a national concern, and claims ariſing from ſuch captures ought not to have been ſubmitted to the deciſion of their Admiralty Courts, as the United States are thereby precluded from having any voice in the final determination of ſuch caſes—and becauſe the indemnification propoſed to be made is to be ſought by a proceſs tedious and expenſive, in which juſtice may be delayed to an unreaſonable time; and eventually loſt to many of the ſufferers, from their inability to purſue it, and becauſe this mode of indemnification leaves no proportion to the ſummary method adopted for ſatisfaction of Britiſh claims."

The *Federaliſt* divides *this reaſon* into two diſtinct charges, whereas the committee intended but one charge, and ſtated various reaſons in ſupport of that charge.

I ſhall not contend with him upon the uſage of nations in certain caſes, or the mode adopted by the Kings of England and Pruſ-

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ſia, in their treaty of 1783, or the principles laid down by Mr. JEFFERSON, in his anſwer to the letter of Mr. HAMMOND; but it is clear that the caſes in which *that* uſage was conſidered applicable, were not ſimilar to *this* under conſideration. *Great-Britain* and the *United States* in the Treaty, ſtate *counter* claims againſt each other. The former, debts due to her ſubjects in 1783, and reſtitution for captures by the French, of veſſels of her ſubjects within the limits and juriſdiction of the United States; and the latter reſtitution for the capture of veſſels and property of their citizens, by Britiſh veſſels made under the authority of that Government.

Britiſh claimants are by the Treaty allowed to purſue *their* claims before a tribunal of Commiſſioners—a tribunal impartial, becauſe compoſed of individuals from the reſpective governments: while the American claimants are obliged to purſue *their* claims in Britiſh Courts of Admiralty, compoſed of individuals from that Government alone. Whatever *therefore* may in other caſes have been the uſage of *Great-Britain*, when an equivalent was not given for a change of tribunal; in this caſe ſuch equivalent being given by the United States, ſhe ought to have agreed to a ſimilar mode of determination.

The Britiſh nation having by the Treaty made herſelf a party to ſuch American claims, the further objection of the Federaliſt cannot apply, that part of the captures were made by private individuals, whoſe right to a trial in their own country could not be taken from them. Nor can the other objection have force, that the Britiſh government has provided for the regular bringing forward of cauſes, which from *certain* circumſtances of the claimants, had by ſtrict law, loſt their right to a trial in the Britiſh Courts of Admiralty; it being clear, that *certain circumſtances* will not be conſidered upon fair conſtruction to extend to the pecuniary inability of claimants thus to have purſued their cauſes; and it being as clear that Britain will not do, what ſhe never yet has done, give a ſtrained conſtruction againſt her own ſubjects.

Every candid man therefore will believe that the fourth reaſon of the Committee has weight againſt the Treaty.

The 5th reaſon of the report, is, "becauſe this compact admits Britiſh ſubjects to an equal participation with our own citizens, of the interior traffic of the United States with the Indians, through our whole territorial dominions, while the advantages oſtenſibly reciprocated to our citizens, are limited both in their nature and extent."

"It has been well underſtood, (ſays the FEDERALIST) by men unacquainted with the country occupied by Indians within the territory of the Uuited States, and that which falls within the Britiſh dominions, that by far the greateſt proportion of furs are collected within the Britiſh dominions." The premiſes for the ſake of argument may be conceded, but very *different* concluſions follow, than thoſe drawn by him. The Britiſh traders can *now* ſupply their ſtores on the waters adjoining the United States, through no other channel than the river *St. Lawrence*, which, by reaſon of ice, is paſſable only five or ſix months in the year; by this article in the Treaty, if ratified, they will be able to tranſport merchandize throughout our whole territory, at all times and ſeaſons, without any obſtruction, which territory is not a *mere wilderneſs*, but is ſettled quite to the margin of the Lakes. They will alſo be able, (however extraordinary the grant of this privilege may appear) to import their goods into any part of the United States, and from ſuch *Atlantic* ports to tranſport the ſame throughout our whole territory, free of *all alien duty*, upon the ſame terms as our own citizens. The United States in return, are allowed to carry goods into the Britiſh ſettlements; but when it is conſidered that Britiſh traders have large capitals and connections eſtabliſhed among the Indians, as well as in *England*, to ſend them ſupplies, and that American traders on the other hand, have ſmall capitals, without ſuch connections, it will be found, that our citizens will derive little if any benefit from the privilege. It is clear therefore, that by the 3d article in the Treaty, the United States ſurrender *much*, and gain *but little*, if *any thing* in return.

However "extenſive our ſea-coaſts, and immenſe compared with *that* of *Great-Britain* in *America*," the contrary of *what* the FEDERALIST

DERALIST ſtates, will be readily ſeen, that *Aſiatic* goods under the Treaty, cannot be afforded on better terms by American citizens, than the ſubjects of *Great-Britain*; for by the 15th article, "The Britiſh government reſerves to itſelf the right of impoſing on American veſſels entering into the Britiſh ports in Europe, a tonnage duty equal to that which ſhall be payable by Britiſh veſſels in the ports of *America*: And alſo ſuch duty as may be adequate to countervail the difference of duty, now payable on the importation of European and Aſiatic goods, imported into the United States, in Britiſh or in American veſſels."

And it requires better evidence than the naked aſſertion of the FEDERALIST, to prove that American citizens will be able to import the goods that are conſumed by the Indians, into the United States, upon better terms than Britiſh ſubjects can import the like merchandize into *Canada*, *New-Brunſwick* and *Nova-Scotia*; it being well known, that the goods ſuitable for the trade of the *Indian* country, are *principally* Britiſh manufactures, with ſome India goods, American citizens cannot import the former into the United States upon as good terms, including the charge of impoſt, as Britiſh ſubjects can import them into their Provinces; and if the Treaty ſhould be ratified, the reſtrictions which are evidently calculated by the 13th article, to embarraſs the American trade to *India*, will enable them to import India goods into thoſe Provinces, from the ſtores of the Company in *London*, upon equal terms, *at leaſt*, with American citizens in the United States. It may here be ſaid, that if Britiſh ſubjects can import goods into the Indian countries, upon cheaper terms by the communication of their ſettlements, than by the United States, that *Great-Britain* will derive no benefit from the privilege, the anſwer is obvious, they have ſecured a *privilege* which they can uſe at all ſeaſons, and at ſuch times as their former communication by their own territory, would be impaſſable by means of ice or any circumſtance whatever.

In every view it appears, that although by the Treaty we are admitted into each others territory by the land board for the purpoſes of traffic, and that before the Treaty neither could enjoy that right;

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yet that it is not true, as the FEDERALIST aſſerts, that Britiſh ſubjects could enter our ports as freely before the Treaty, as they may in caſe of its ratification; for they were before ſubject to an *alien duty*, which will be completely ſuſpended by its ratification.

The FEDERALIST alſo affirms, that by a *ſurrender* of the Poſts, the United States will gain *immenſely* by the Fur Trade. It is difficult to conceive what the term *gain* can imply, when by the ſurrender, the United States receive nothing more than a *right* which has long been their own, but which *Great Britain* has *wrongfully* withheld from them for 12 years. But allowing, as the FEDERALIST ſtates, that the traffic with the Indians is within the Britiſh territories, inſtead of gaining *immenſely* by the Fur Trade, by the ſurrender of the Poſts, the gain will be a mere pepper-corn, as the Britiſh nation has only to remove her Poſts over the line of interſection between the two territories, by which means her ſettlers and trading houſes will ſtill remain an inſurmountable barrier to the traffic of our citizens with the Indians, within the Britiſh territories.

The FEDERALIST in his comment upon the 6th reaſon of the report, ſtates, that it cannot be derogatory to our national honor and independence, to be willing to meet the Britiſh nation on terms of equality: But do the United States meet *Great Britain* on terms of equality, when without any ſimilar ſtipulation, on her part, by the 15th article, they ſtipulate not to oppoſe any new or additional tonnage duties on Britiſh veſſels, nor to exerciſe the ſubſiſting differences between the duties *now* payable on the importation of any articles in Britiſh or American veſſels. If there is any ſtipulation ſimilar to *this*, in the Treaties of the United States with *France*, the *United Netherlands*, *Sweden* or *Pruſſia*, I will thank the FEDERALIST to point out the particular articles which contain it.

Should the United States during the continuance of this article be under the neceſſity of encreaſing the tonnage duty upon *foreign ſhips*, or to encreaſe the impoſt payable on merchandize imported in the ſame; Britiſh veſſels and merchandize imported in them, would

would be exempted from all ſuch additional duty and impoſt. The United States cannot therefore exerciſe this right without the hazard of offending their allies and the other nations with whom they are in Treaty—And they are *thus* placed in this dangerous ſituation without even the ſhadow of reciprocity.

The Conſtitutionaliſt——No. III,

As publiſhed in the Chronicle, Aug. 6, 1795.

Meſſrs. ADAMS and LARKIN,

THE 7th reaſon in the report of the Committee is, "Becauſe the Commerce we have *hitherto* enjoyed in India, in *common* with other nations, is ſo reſtricted, that in future it will be of little or no ſubſtantial benefit to our citizens."

The *Federaliſt* in his ſtrictures upon this reaſon, remarks, that according to the right claimed by all nations having colonies, to which all other nations have acceeded, we have no *poſitive right* to go to the colonies of the *Britiſh* crown, and unleſs *ſuch right* is obtained by Treaty, Great Britain may prohibit our trading or even entering the ports of her colonial poſſeſſions without affording us any *juſt cauſe* of complaint.

In this enlightened country *few*, I believe, are ſo ignorant as not to know that Great Britain hath *ſuch right*, and that ſhe hath alſo a right to prohibit the importation of any articles of the growth, produce, or manufacture of the United States into the Britiſh ports in *Europe*, or to prohibit our citizens from exporting from *thence* any goods or merchandize; and that all other nations, having colonies poſſeſs the ſame right, unleſs they have ſtipulated the contrary by Treaty. It is unneceſſary therefore to make any remarks on *that* part of his lengthly detail which relates to Treaties and arrets; and I will here only obſerve, that notwithſtanding the arguments of my

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Lord Sheffield, which he ſo much admires, at the time he wrote upon the Britiſh trade, *neutral* veſſels were allowed to enter the ports of the Britiſh ſettlements in India. Our pretentions to enter them could not *then* have been ſo extraordinary a ſtep as his Lordſhip has ſuggeſted, and no *neutral* power, if the beneſits Great Britain has derived from us were of weight, could have had *ſtronger pretenſions*. Although the ſentiments of this writer relative to the *Weſt-Indies*, as the *Federaliſt* has ſtated, may have been much adopted by the Britiſh government, from theſe facts it ſeems, that his ſentiments relative to the *Eaſt-Indies*, did not attract much attention.

I will *here* alſo obſerve, that there is a wide difference between a country extenſive and ſituated as *India*, and that of a common colony; the inhabitants of the former being almoſt innumerable, governed generally by independent Princes, and unaccuſtomed to the operation of narrow colonial regulations; and the inhabitants of the latter being inconſiderable in number, circumſcribed within narrow limits, and educated in a ſubmiſſion to ſuch colonial regulations. Laws and inſtitutions therefor proper and convenient for the regulation of a colony *thus* in the vicinity and under the immediate controul of its parent country, might be extremely improper and inconvenient for the regulation of the various, peculiar, and complicated intereſts of *India*. Hence may be inferred the circumſtance, that all neutral nations have enjoyed a free intercourſe with the ſettlements and factories of the Britiſh government in that country, and a preſumption that they will continue to enjoy the privilege.

The *Federaliſt* further remarks, that if Great-Britain ſhould refuſe to admit our veſſels into her *Eaſt-India* poſſeſſions it would be no juſt cauſe of complaint on the part of the United States. And that *France* aud *Spain* opened the trade of ſome of their colonies dur the laſt war to all neutral nations, and immediately on the return of peace confined that trade again to the parent country. He cannot however infer from this circumſtance, that on the return of peace in *Europe*, Great-Britain will obſerve a ſimilar conduct in her territories in *India*. For Great-Britain did not open to us her ports in

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India, from a neceſſity growing out of a ſtate of war, it being a well known fact, that our veſſels ſoon after peace made their firſt entrance into thoſe ports, and from *that* to the *preſent* period have without interruption purſued the ſame intercourſe.

The 13th article of the Treaty, to which this reaſon refers, among other things ſtipulates, "that the citizens of the United States may freely carry on a trade between the *Britiſh* territories in *India*, and the ſaid United States in *all* articles of which the importation or exportation reſpectively to or from the ſaid territories, ſhall not be entirely prohibited," "But it is expreſsly agreed, that the veſſels of the United States ſhall not carry any of the articles exported by them from the ſaid *Britiſh* territories, to *any port* or *place*, except to *ſome port* or *place* in *America*, where the ſame ſhall be *unladen*, &c." "It is alſo underſtood that the permiſſion granted by this article, is not to extend to allow the veſſels of the United States to carry on any part of the *Coaſting Trade* of the ſaid *Britiſh* territories." "Neither is this article to be conſtrued to allow the citizens of the ſaid States to ſettle or reſide with the ſaid territories, or to go into the interior parts thereof without the permiſſion of the *Britiſh* Governor eſtabliſhed there."

Upon this article the Federaliſt obſerves, "*is a trade thus limited, ſubſtantially beneficial?*"

In a compariſon with the benefits hitherto enjoyed by our citizens in that trade, it is obvious that it will not be ſubſtantially beneficial. Taking it for granted with the Federaliſt, that the articles which have been exported from hence to the Eaſt-Indies have not generally paid a freight, and if in ſome inſtances ſomething has been made, ſtill on the other hand in many inſtances loſſes have been ſuſtained. It appears by this article, that ſuch meaſures are to be adopted as ſhall oblige our citizens *faithfully* to land whatever articles they may export from the Britiſh ports in *India*, at ſome port within the United States; to execute which ſtipulation, our citizens will be obliged to procure bonds, and being ſtrangers *there*, and without factors, it is not probable that they will be able to procure ſuch bonds at a leſs expence than five per cent. upon their invoices.

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By the ſame article, it alſo appears, that our citizens are not allowed to reſide in thoſe ports, or go into the interior parts of *India*, without the permiſſion of the Britiſh Government. Hitherto they have been accuſtomed to go into the country, and to purchaſe their goods at the very loom of the manufacturer, it is probable that this reſtriction will add 20 per cent. more to the coſt of their goods.

If the Treaty ſhould be ratified under ſuch circumſtances of additional expence, may not our own citizens find it as much for their intereſt to purchaſe India goods at *Oſtend*, as to go to *India* for them; it being well known, they are uſually ſold cheaper there than here, in proof of which it need only be obſerved, that *India* goods are ſometimes exported from thence into this country. To allow five months for a voyage from hence to *Oſtend*, and about fifteen months for a voyoge from hence to *India*, and to calculate the difference in the expences of the two voyages, from the intereſt of money, premium of inſurance, wages of the ſhip and ſeamen, and proviſions, and the amount be added to the 25 per cent. as before ſtated, it will at once appear, that in *future*, our commerce in *India* will be of little or no ſubſtantial benefit to our citizens.

The FEDERALIST next interrogates, "are we, that is to ſay, both nations, conſtrained to keep this trade thus limited."

I will not arreſt the public attention with the rehearſal of the long train of trite remarks, and ſelf-evident propoſitions which immediately ſucceed this queſtion; they might amuſe the FEDERALIST, and ſtrike him like ſound arguments, but in my opinion they are a ſpecies of *lullaby* logic, more ſuitable for the firſt form of a ſchool, than the enlightened public tribunal. I will therefore proceed to ſuch of his remarks, as deſerve attention.

The FEDERALIST admits that the legal and natural import of the laſt recited clauſe but one in the 13th article, is, that no right ſhall be claimed to the coaſting trade of the Britiſh territories in *India*; and aſſerts, that the words are intended to prevent a right by implication, which the generality of the terms, expreſſing our right to trade there, might be conſtrued to include. It is clear, in my opinion,

tion, that this clauſe was intended to prevent our veſſels from carrying goods coaſtways in *India*, and that ſuch is the natural and legal import of the words, however different the conſtruction which ſophiſtry may give them. In the 3d article of the Treaty, are the following expreſſions—" But it is underſtood, that this article does not extend to the admiſſion of veſſels of the U. States into the ſea-ports, harbors, bays or creeks of his Majeſty's ſaid territories, &c."—And why may not the FEDERALIST with equal propriety, contend that thoſe words are alſo intended to prevent a right by implication which the generality of the terms expreſſing our authority to paſs, repaſs and trade, in *Canada*, might be conſtrued to include? Under the idea of the FEDERALIST, that this clauſe is meant only to prevent a right by implication, ſuppoſe, in caſe of a ratification of the Treaty, our merchants ſhould petition Lord DORCHESTER to admit their veſſels *freely* into the river *St. Lawrence*, and to proceed to *Quebec*, and *there* land and diſpoſe of their cargoes; if ſucceſsful in the application, a *profitable trade* would probably reſult to them.

The FEDERALIST further aſſerts, " that before the Treaty is ratified, *Great-Britain* may permit to our veſſels the coaſting-trade; after it is ratified, ſhe may permit the ſame." Wonderful diſcovery! It is here however neceſſary to remark, that prior to the Treaty, our citizens enjoyed a free trade to the Britiſh territories in *India*, in common with other nations, but that after its ratification, no one will deny that the maſters of our veſſels will be obliged to return from *India* immediately to ſome port or place in this country, and to give bonds *faithfully* to land within the ſame whatever goods they may export from thence. By this reſtriction they will be deprived of the trade they have hitherto purſued from one port in *India* to another, and from thence to the *Mauritius*, and the *Cape-of-Good-Hope*, and back, and from exporting the produce of *India* upon their own account, or on freight, by the exerciſe of which privilege, in ſome inſtances, our ſhips *merely* by freights from *India* to *Canton*, have in a few months earned from 20 to 30000 dollars, and this *profitable trade* they will no longer enjoy. Our citizens will al-

ſo be prohibited from the exportation in *their own* ſhips, of goods upon their own account, or on freight to Europe. From theſe facts, it is preſumable therefore, that in future, ſhould the Treaty be ratified, they will not employ in the trade to the Britiſh ſettlements in *India* more than one fourth part of the tonnage employed by them within the laſt five years. This change in our commercial intercourſe with thoſe ſettlements operates with peculiar and pointed hardſhip upon the citizens of the United States, as all other nations continue in the enjoyment of the ſame privilege, and no diſpoſition yet appears in *Great-Britain* to withhold it from them.

America had certainly a right to expect the ſame indulgencies would have been ſecured to her citizens in their intercourſe to the Britiſh ſettlements in *India* as are enjoyed by other nations; as Britiſh veſſels by the Treaty are allowed to enter our ports as freely as *thoſe* of other nations, and receive from us indulgencies which are not allowed even to our Allies. It may *perhaps* be ſaid, that the rights of other nations in this intercourſe is *merely permiſſive*; but if *Great-Britain* feels *towards us* that amicable diſpoſition which certain politicians, in and out of Congreſs, have declared, it is indeed extraordinary that ſhe ſhould deny us the participation of the *ſame* right which they ſtill enjoy, and which they will probably continue to enjoy.

The 8th reaſon of the report, is, "becauſe in every ſtipulation reſpecting our intercourſe with the Colonial poſſeſſions of *Great-Britain*, the whole commerce of the United States is colonized in return."

The FEDERALIST appears to be at a loſs to comprehend the preciſe meaning of this reaſon; the Committee intended undoubtedly by the expreſſions, that in our intercourſe with ſome of the Colonial poſſeſſions of *Great-Britain* under the commercial articles in the Treaty, that the Commerce of the United States was controlable by, and dependent upon *Great-Britain*.

Is not this evident, by our citizens being obliged to return immediately to the United States, with whatever goods they may export from

from *India*, as has been already ſhewn; and does there appear a ſimilar reſtriction to this, in any of our Treaties with other nations?

The 9th article of the report, is, "becauſe the clauſe by which the Britiſh Government reſerves to itſelf the right of impoſing on American veſſels, entering Britiſh ports in *Europe*, a duty which ſhall countervail the difference of the duty payable on the importation of European and Aſiatic goods into the United States, in Britiſh or American bottoms, places it in the power of that Government to enable Britiſh ſubjects to become the importers of Aſiatic and European goods into the United States, to the excluſion of our citizens."

Upon this reaſon, the *Federaliſt* "obſerves that it is really difficult to comprehend how the reſervation here mentioned can be attended with the conſequences ſuggeſted; and ſtates that if our veſſels enter their ports on equal terms as we permit their veſſels to enter ours, it is hard to conceive we ſhould be loſers." This poſition is true—but can any perſon pretend that by the Treaty our veſſels and cargoes can enter *Britiſh* ports upon ſo favorable terms as *Britiſh* veſſels and cargoes can enter our ports? Can our citizens import in their own bottoms into Great Britain the productions and manufactures of *China*? On the other hand, cannot the *Britiſh Eaſt-India Company* order their ſhips from that country, fraught with its productions and manufactures, into our ports? And cannot *they*, or any *Britiſh* merchants, load ſhips from the ſtores of the Company in *London*, and order them for *Boſton*, as they did in the year 1773 and there land and ſell the ſame? Does not the Treaty authorize the *Britiſh* government to exerciſe the right of impoſing on American veſſels entering into *Britiſh* ports in *Europe*, ſuch a duty as may countervail the difference of duty now payable on the importation of European and Aſiatic goods when imported into the United States in Britiſh or American veſſels? If this right is by the Treaty granted to Great-Britain, as ſhe knows, as well as any nation on earth the value and uſe of rights, will ſhe not exerciſe it? And ſhould ſhe thus exerciſe it, will the United States have on their part any juſt cauſe of complaint? And where will be the difficulty in her allowing

lowing by way of bounty (as ſhe is well acquainted with bounties and drawbacks) to the *Eaſt India Company* or to Britiſh merchants the extra amount that may be drawn from our veſſels under the *countervailing clauſe* to balance the *alien duty* they may pay in this country? Are not the Members of the Britiſh Cabinet, the moſt acute Financiers in the world, competent to a meaſure of this kind? It is well known that Great-Britain poſſeſſes the right to impoſe any additional duties on our veſſels entering her ports, and alſo the right to prohibit the entry of our veſſels into her ports. But there is no ground to ſuppoſe ſhe would attempt to encreaſe the duty upon our veſſels entering her ports in order to countervail the alien duties impoſed by us upon merchandize imported by her ſubjects from *Canton* or any other foreign country into the United States, *unleſs* ſhe ſhould be authorized to do it by Treaty, under which all right of complaint would be ſurrendered.

To impair the force of the *countervailing clauſe*, the *Federaliſt* ſtates that Great-Britain by the Treaty obligates herſelf to impoſe no higher duties on our veſſels in her ports, than ſhe does on thoſe of other nations. This it is true appears as a general declaration in the firſt paragraph in the 15th article, but notwithſtanding in the next paragraph of the *ſame* article may be ſeen the clauſe that conceeds the right to the Britiſh government to countervail the alien duty that may be paid by her ſubjects in our ports; to which clauſe there is no counterpart. As this ſtipulation is *ſubſequent* to the general declaration and *ſpecial* in its nature, it is obvious that it was intended to control the ſtipulation which provides that our veſſels ſhall pay no higher duties in Britiſh ports than thoſe of other nations. Beſides, men as *adroit* at points as the Members of the Britiſh Cabinet, will tell us *at once*, that by impoſing duties in order to countervail duties in conformity to the Treaty, it cannot be inferred that *new* or *additional* duties are impoſed upon our veſſels, and that they continue notwithſtanding to enter their ports upon equal terms with thoſe of all other nations; and I will now aſk the *Federaliſt* whether he actually thinks that Lord *Grenville* who, as may be ſeen by the concluding paragraph, was in great haſte when he made the

Treaty,

Treaty, would have waſted his *precious* time in rumaging up this *ingenious countervailing clauſe*, unleſs he felt certain in his own mind that the inſertion of it in the Treaty would prove advantageous to the Britiſh nation.

The Conſtitutionaliſt——No. IV,

As publiſhed in the Chronicle, Aug. 13, 1795.

Meſſrs. ADAMS and LARKIN,

THE 10th reaſon in the report is, "becauſe although the terms of ſaid Treaty appear to be reciprocal in many inſtances, yet from the local ſituation and circumſtances of the United States, and the pacific ſyſtem of policy they have adopted, that reciprocity is merely nominal and deluſive."

The *Federaliſt* makes no comments upon this reaſon, but paſſes over it with this requeſt to his readers, "that they would not aſſent to this aſſertion, without examining the Treaty for themſelves, and at leaſt deſiring the Committee or Selectmen of *Boſton*, to expoſe the *fraud*, before they paſs cenſure on their whole government, for being deluded blockheads or ſomething worſe."

The readers of the *Federaliſt* could not ſtand in need of this caution, for the citizens of a *free and enlightened country*, will never receive or reject any opinion without previouſly examining it for themſelves, and the Committee neither expected or wiſhed their aſſent to *this aſſertion* without ſuch examination. The Committee even if deſired, are bound to expoſe no *fraud*, for their aſſertion implies no charge of *fraud*; it reprobates not the author of the Treaty, or its advocates, either in or out of the Senate, but the *inſtrument itſelf*; and it is *their* wiſh, as it ought to be the wiſh of every *true friend* to his country, that it may ſtand or fall in the public opinion, by its own *intrinſic* merits or demerits.

It

It may not however be a taſk ſo difficult, as the *Federaliſt* imagines, to adduce in ſupport of this aſſertion even from the Treaty itſelf, the moſt *indiſputable* and *ſtubborn* facts; nor will I ſolicit the public aſſent to the truth of them, until my readers have had an opportunity to examine it for themſelves with calmneſs and deliberation.

It is the opinion of VATTEL, that "great *Republics* treat with Kings, as equal with equal, and when nations are in ſuch a ſtate that the *law of nature* requires that their Treaties ſhould be equal.

Upon this reſpectable authority, if it will not ſhock the feelings of a *certain party*, I will for a moment ſuppoſe that the great Republic of *America* and the King of Great-Britain were, at the time of the negociation, *equals*, and I will then examine whether the *Treaty* in any degree preſerves the principles of *equality*.

The 3d article ſtipulates, "that it ſhall at all times be free to his Majeſty's ſubjects, and to the citizens of the United States, freely to paſs and repaſs by land or inland navigation, into the reſpective territories and countries of the two parties on the continent of *America*, (the country within the limit of the Hudſon's Bay Company only excepted,) and to navigate all the lakes, rivers, and waters thereof, and freely to carry on trade and commerce with each other."

It further ſtipulates, "that all the ports and places on the eaſtern ſide of the river Miſſiſippi to whichſoever of the parties belonging, may freely be reſorted to and uſed by both parties."

It alſo ſtipulates, "that no duty of entry ſhall ever be levied by either party, on peltries brought by land, or inland navigation, into the ſaid territories reſpectively."

To a perſon unacquainted with the geography of *this interior country*, and the portions of it belonging reſpectively to Great-Britain and to the United States, the *terms* in this article might appear to be reciprocal, as mutual liberty is thereby granted to paſs by land, or inland navigation, into *each other's* territories; but when he is informed, that the line of interſection between them, will *ef-*

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fectually exclude the citizens of the United States from the *fur trade*, and that their ſuperior advantages, from capitals and agents in England as well as among the Indians, will enable the ſubjects of Great-Britain to monopolize *that trade*; and that the veſſels of Great-Britain have free admiſſion into all our rivers and lakes even to the higheſt ports of entry, while on the other hand American veſſels are excluded "from the *ſea ports, harbors, bays* & *creeks* of his Majeſty's territories, and alſo from *ſuch parts* of the river, as are between the mouths thereof, and the higheſt ports of entry from the ſea, except in ſmall veſſels trading from Montreal and Quebec." When he is alſo informed, that the *eaſtern ſide* of the river *Miſſiſippi* in fact belongs to the United States, notwithſtanding the artful expreſſion, "*to whichſoever* of the parties belonging." And that Britiſh ſubjects are allowed without any equivalent, freely to reſort to all the ports and places of the ſame *in common* with our own citizens. And further that the citizens of the United States in order to obtain through the Britiſh territories a paſſage free of duty for a *traffic* which by this article they will never enjoy in a conſiderable, if in any degree, open a paſſage *equally free* of duty to the vaſt quantities of peltry which will *annually* be brought through the United States by his Majeſty's ſubjects, he will pronounce *at once* that the *reciprocity* in this article is merely *nominal* and *deluſive*.

The 5th article in the Treaty ſtipulates, "that whereas doubts have ariſen what river was truly intended under the name of the river St. Croix, mentioned in the Treaty, and forming a part of the boundary therein deſcribed, that queſtion ſhall be referred to the final deciſion of three Commiſſioners."

By the language of the preamble to this article, it appears as if doubts had really ariſen in the minds of *both parties* relative to this river, and upon this appearance the ſubſequent proviſion being to decide ſuch doubtful queſtion, the *terms* might at firſt view be conſidered to be *reciprocal*; but it being a fact, that the Miniſters who negociated the Treaty above referred to, had before them full and complete maps of that country, excluding all doubt and uncertainty

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as to this river, and alſo that Great-Britain until the preſent Treaty, had expreſſed no ſerious doubts herſelf upon the ſubject, we ſhall be convinced that Great-Britain by this article will ſtand a chance to gain a very valuable tract of territory, to which ſhe had never any *real*, if *pretended* claim; and the United States without any equivalent, will ſtand an equal chance to looſe the ſame tract of territory to which they have the moſt indiſputable title.

Do not the *terms* of the Treaty in *this* inſtance therefore, convey a reciprocity merely *nominal* and *deluſive*?

The 6th article ſtipulates, that "whereas it is alledged by divers Britiſh merchants and others his Majeſty's ſubjects, that debts to a conſiderable amount, which were *bona fide* contracted before the peace, ſtill remain owing to them by citizens or inhabitants of the United States, and that by the operation of various lawful impediments ſince the peace, not only the full recovery of the ſaid debts has been delayed, but alſo the value and ſecurity thereof have been in ſeveral inſtances, impaired and leſſened, ſo that by the ordinary courſe of judicial proceedings, the Britiſh creditors cannot *now* obtain and actually have and receive full and adequate compenſation for the loſſes and damages which they have thereby ſuſtained. It is agreed that in ſuch caſes where full compenſation for ſuch loſſes and damages cannot for whatever reaſon be actually obtained, had and received, by the ſaid creditors in the ordinary courſe of juſtice, the United States will make full and complete compenſation for the ſame to the ſaid creditors."

I have been particular in the recital of nearly the whole of this article, becauſe it involves various and important queſtions, which appear to be in ſo cloſe connection as to be incapable of ſeparation.

The debts thus claimed by Britiſh creditors are the debts of individuals of certain States, and the lawful impediments to their recovery of them are the acts of ſuch States, for which the United States could not be reſponſible, nor by the former Treaty did they ſtipulate any further than to recommend to ſuch States a removal of the impediments; ſtill by this article the United States become the

debtors

debtors, and guarantee the payment of them. If they thus ſtipulate to do what neither law nor equity could demand of them, it being a maxim that the claimant in equity ſhould do equity, we certainly might expect a ſimilar ſtipulation on the part of Great-Britain. Does any ſuch ſtipulation appear in the Treaty? The damages from the plunder of negroes and other property by the Britiſh armies, incorporated into one ſum, would conſtitute a counter demand to thoſe debts of importance; but no proviſion is made for the conſideration and allowance of ſuch demands. If it be urged that the ſurrender of the poſts is an equivalent, the anſwer very naturally occurs, the poſts were the property of the United States, and if the detention of them by Great-Britain was wrongful, the United States are in equity as much intitled to the damages of ſuch detention, as the Britiſh creditors are to the intereſt upon their debts. I defy the Federaliſt, with all his dexterity at ſplitting hairs, to draw a line of diſcrimination in the two caſes.

In this inſtance alſo, the terms may appear *reciprocal*, but the reciprocity on examination proves to be merely *nominal and deluſive*.

By the 7th art. in the Treaty, *Great Britain* ſtipulates to make reſtitution for the ſpoliations upon our commerce; but in a proceſs ſo *expenſive*, *remote* and *uncertain*, as to be little more ſatisfactory to our citizens the ſufferers, than an abſolute denial of it. In the ſame article the United States on their part ſtipulate to make *full* compenſation for all property taken by *French privateers*, equipped within their ports, or captured within their limits and juriſdiction, and in a proceſs, prompt, certain and ſatisfactory. So ambiguous is the language, that at firſt view the terms in this inſtance might appear reciprocal, but every candid man upon examination, muſt pronounce the reciprocity to be merely nominal and deluſive.

The 9th art. ſtipulates, "that Britiſh ſubjects who now hold lands in the territories of the United States, and American citizens who now hold lands in the dominions of his Majeſty, ſhall continue to hold them according to the nature and tenure of their reſpective eſtates and titles, &c."

In this article the terms appear at first blush to be perfectly reciprocal, the conditions in mere expression being exactly similar; but the fact being known that British subjects who *now* hold in the territory of the United States, *vast tracts of land*, hold the same in *fee simple*; and that American citizens, if any such there are, who *now* hold a few rods of land in the dominions of his Majesty, hold the same only in *fee tail*, and not a trace of *reciprocity* will appear.

The 10th article stipulates, that neither the debts due from individuals of the one nation to individuals of the other, nor monies which they may have in the public funds, or in the public or private banks, shall ever in any event of war be sequestered or confiscated."

I shall not now consider the extreme impolicy and danger of this stipulation as it respects the United States, but attempt ONLY to shew that there is no *counter* stipulation on the part of *Great-Britain*, as an equivalent for it. It is well known that *Great-Britain* always has been, and from her situation and commercial superiority, must continue to be the *creditor nation*, and that her subjects in private debts and in public funds, and in private banks, possess within the United States, millions of pounds, where the dominions of *Great-Britain* possess millions of pence. Although *then* the mere words imply equal stipulations, in reality the United States relinquish to Great Britain the great bulwark of their political security, and receive from her in return the mere shadow, and not the substance of reciprocity.

The 28th art. stipulates, "that whenever such articles (refering to articles of provisions becoming contraband by the existing laws of nations) shall for that reason be seized; the same shall not be confiscated, but the owners thereof shall be speedily and completely indemnified, and the captors, or in their default the government under whose authority they act, shall pay to the owners or masters of such vessels the full value of all such articles, with a reasonable mercantile profit thereon, together with the freight, and also the demurrage incident to such detention."

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By this ſtipulation the United States voluntarily ſurrender to Great Britain the right never before reſtricted, to ſend certain articles to France, and even legalize her arbitrary ſeizure of them—they receive in return the value of ſuch articles, with what Great-Britain ſhall herſelf determine to be a reaſonable mercantile profit thereon, and demurrage for detention; which ſums may poſſibly amount to 30 per cent. when at the legal ports of deſtination, they might calculate upon 50 and 100 per cent.—And this condition on their part, without the probability or poſſibility that their ſituation will ever require, or the diſpoſition of Great Britain ever permit on her part a ſimilar ſtipulation. It is clear therefore that in this inſtance alſo, the terms of the treaty, although apparently reciprocal, that reciprocity is merely nominal and deluſive.

I have thus ſelected from the Treaty ſuch articles as appear to be the moſt ſtrikingly deficient in reciprocity, and unleſs the real etymology of the terms "*nominal and deluſive*," implies all the *odium* attached to them, by the Federaliſt, I feel confident that the public will acquit the Committee of any charge of impropriety in the uſe of them.

The Conſtitutionaliſt——No. V,

As publiſhed in the Chronicle, Aug. 17, 1795.

Meſſrs. ADAMS and LARKIN,

THE 11th reaſon in the report, is, "becauſe it prevents the United States from impoſing any further reſtriction on Britiſh trade alone, and becauſe it is ſtipulated that neither the debts due from individuals of one nation to individuals of the other, nor ſhares nor monies which they have in the public funds, or in any public or private banks, ſhall *ever*, in any event of war or national difference, be ſequeſtered or confiſcated. It is far from being impoſſible, that the exerciſe of this right may in the opinion of the National Legiſlature contribute to preſerve the peace of our country, and protect the rights and property of our citizens from violation—We therefore eſteem it highly *impolitic that the public faith ſhould be pledged that it* NEVER *ſhould be exerciſed.*"

In my laſt I attempted to expoſe the *inequality* in various articles of the Treaty, and particularly in the article to which this reaſon refers; I will now examine the arguments of the FEDERALIST, in oppoſition to this reaſon.

Sophiſtry can gain but few proſelytes in a country like this, in which wiſdom is ſo prevalent; it is extraordinary therefore, that the FEDERALIST ſhould attempt with ſuch weapons to enforce upon his readers obſervations and arguments totally irrevelent to the *real ſubject* under conſideration.

The queſtion involved in this reaſon, is not, whether *credit* has been inſtrumental in the rapid riſe of our country. It is not whether the United States in the laſt war gained by the ſequeſtration or confiſcation of Britiſh Debts.

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The proper queſtions for the conſideration of the public, and which are almoſt too well underſtood to require illucidation, are theſe; Have the United States by the law of nations a right in the event of war or any national difference, to ſequeſter or confiſcate ſuch debts? Having ſuch right is it politic for the United States to ſtipulate by Treaty, *never* to exerciſe it?

There are *certain duties* which every nation owes to *itſelf*, as well as to other nations, the moſt important of *which* is the care and preſervation of itſelf. This duty the law both of nature and nations *ſtrictly* enjoins upon it as an obligation *abſolute* and *indiſpenſible*; and as every duty ſuppoſes a right to every thing neceſſary for the diſcharge of it, it follows that the nation whenever its care and preſervation ſhall require, has a right *thus* to ſequeſter or confiſcate ſuch debts.

A *ſtate of war* changes the condition of the nation, and gives to it rights which before it did not poſſeſs. Thus VATTEL obſerves, "that when the head of a State or Sovereigns declares war againſt another ſovereign, it implies that the whole nation declares war againſt the other, and that *all* the ſubjects of the one are enemies to *all* the ſubjects of the other incluſively." He alſo obſerves, "that the ſovereign hath naturally a right over what his ſubjects may be indebted to the enemies, and therefore he may confiſcate debts of this nature, if the terms of payment happen in time of war, or at leaſt he may prohibit his ſubjects from paying while the war continues." He alſo adds in a paſſage immediately ſucceeding *what* the FEDERALIST has cited, in order to controvert this doctrine, "a ſtate of war does not ſo much as touch the ſums which it owes to the enemy; every where, in caſe of a war, funds credited to the public, are exempt from confiſcation and ſeizure."

The principles laid down in the two paſſages preceding this, are clearly recognized and eſtabliſhed by GROTIUS and PUFFENDORF, and when we examine what follows this laſt quotation, we ſhall find that nothing even in VATTEL appears to ſhake the foundation of them—He next obſerves that this is a *general cuſtom* lately adopted by the nations of Europe, for the advantage and ſafety of commerce.

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The ſituation of European nations might have led them to this cuſtom, but they have not recognized the ſame by any national compacts or treaties ; it cannot therefore be conſidered in an abſolute degree obligatory on a nation like *this*, whoſe ſituation in war might demand a very different mode of conduct.

The FEDERALIST, with *wonderful pathos*, aims to addreſs the paſſions ; "there is ſcarce an individual (ſays he) who would not revolt with horror at the ſuggeſtion, that becauſe his nation was at war with the nation of his creditor, he ſhould refuſe to pay what is juſtly due. There is ſcarce an individual who would not equally revolt, with horror at the ſuggeſtion, that in the event of war he was not bound by every tie to contribute his ALL to the nation. The nation hath, as has been already ſhewn, a right over the debts which he owes, and by becoming the debtor in his place, takes from him the obligation he was before under to his creditor ; the ſequeſtration or confiſcation of this debt being *therefore* the *act* of the nation, not *his act*, he cannot be chargeable with a breach of faith : Nor can the nation itſelf be chargeable with a breach of faith or honor, as the *great firſt law* of nature, the ſafety of the people, a law paramount to all other public or private obligations, ſanctions this act. *That act* ſurely cannot be reprehenſible either in individual or nation, which withholds a demand until a demand of equal value is reſtored, which refuſes to do juſtice until juſtice is done. It may be eaſy and even natural for ſome to aſſume the auſtere viſage of moraliſts, and with ſaint-like zeal to exclaim at the very appearance, without the reality of injuſtice in others ; but if the *imperious neceſſity* of war can in a *moral* as well as *political* view juſtify a nation in the deprivation of the life of an individual of the enemy, in the repriſal of his own private property upon the ocean, and his property of a certain deſcription on ſhore, where lies the *ſecret* quality which at *once* ſtamps this *act* with a *peculiar turpitude*?

Having thus demonſtrated that *this right* does not exiſt according to the laws both of nature and nations, I will examine whether it be *politic* for the United States by a ſolemn Treaty to pledge their *public faith never* to exerciſe it.

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The term *never*, refers to time, and imports unlimited duration, the United States ought therefore to calculate with abſolute certainty that no future contingence can ever require a diſpenſation of this *unlimited* condition.

The exerciſe of this right has never yet been reſtricted by Treaty. It has by common conſent reſted entirely with the wiſdom and humanity of nations. It is no wonder then, that this *ſolemn pompact*, ſo novel and extraordinary, ſhould excite general ſurprize. Upon the very face of it, it exhibits ſtrong features of *diſtruſt* on the part of Great-Britain, and of *conſcious guilt* on the part of the United States. She conſiders them as *knaves*, and propoſes to bind them—They acknowledge the charge and conſent to be bound. It is ſingular that the Britiſh Miniſter ſhould ſurmiſe the neceſſity of binding the United States to the obſervance of *faith and honor*, and ſtill more ſingular that the American Miniſter ſhould by this public act declare to the world that his country required ſuch precaution.

The impolicy of the ſtipulation will ſtill further appear from other conſiderations.

Nature as ſhe has veſted every animal, ſo has ſhe aſſigned to every nation the weapons moſt efficacious for its ſelf defence. In the *foreſt* are animals in ſize and ferocity inferior to the *Tyger*, yet are armed with certain weapons by which they can keep him at bay. In the *air* are birds in ſtrength and agility unequal to the Vulture, yet are enabled by peculiar powers, to elude his graſping talons. In the *ocean* are *fiſh*, mere atoms to the *Whale*, yet by certain latent weapons they can at once triumph over his majeſtic ſtrength. It is ſo ordered by nature, that ſhe may thereby preſerve without irritation or deſtruction an equilibrium in her productions. In the extenſive ſociety of man, it is found that ſome nations in power far inferior to others, by peculiarity of ſituation or internal reſources, are able to reſiſt their encroachments.

The *Federaliſt* obſerves "that the nations of *Europe* have large fleets; that we are without any; that our veſſels ſail unguarded and unmanned; every moment liable to be taken, while theirs are in many inſtances protected with military force." The

The *very facts* by which he thus attemps to ſhew the *policy* of this ſtipulation on the part of the United States, I ſhould ſelect for my purpoſe to expoſe the *impolicy* of it.

I admit the *naval* ſtrength of Great-Britain and the *naval* impotency of the United States, but it is this very inequality of ſituation which, I contend demands the moſt *tenacious* care of all our means of defence. Her navies have the power to annoy our commerce, and even to ſweep the ocean of our veſſels. The will ſometimes accompanies the power and ſets it in motion. Paſt experience may perhaps convince us of their cloſe connection, and of this very natural action of one upon the other. Intereſt more generally than juſtice, guides the conduct of nations; and a reliance upon the former, is much more ſecure than a dependence on the latter. If the United States, therefore, poſſeſs any *internal means* by which in any ſituation they might counteract the exerciſe of this naval ſuperiority, it cannot be wiſe or prudent in them to ſurrender *forever* the uſe of them. It is not impoſſible that the Britiſh miniſter, at the very moment of the negociation, contemplated ſuch means in their poſſeſſion: The idea would not be novel in the Britiſh cabinet, that the *right of ſequeſtration* might be exerciſed; and it is at leaſt conjecturable, that impreſſed with the juſtice of our complaints, under the late Britiſh ſpoilations, the miniſter feeling apprehenſive that the United States might thus exerciſe this right, ſeized the favourable moment to inſert this article in the treaty.

But, ſays the FEDERALIST, "if ſuch right did exiſt, it could in no caſe be expedient to exerciſe it." Whether the exerciſe would be expedient or not, is immaterial—it is the impolicy of a ſurrender of it by treaty, which is the real queſtion. Still however in a contemplation of the various and extraordinary *events* which take place between nations, it may not be difficult to imagine that at ſome future period, the circumſtances between Great-Britain and the United States might not only render the exerciſe of it expedient, but indiſpenſible.

An individual who carries his ſide arms to defend himſelf againſt

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an aſſaſſin who awaits him, cannot abſolutely determine that he ſhall ever find it expedient to uſe them; ſtill it would be imprudent and raſh in him to lay them aſide, when expoſed to continual interviews with him.

To determine *future* by *paſt* events, (and the rule of deciſion cannot be very inaccurate) it is not impoſſible that Great-Britain might again, in defiance of the laws of nature and nations, let looſe her *piratical privateers* upon our veſſels—and in equal defiance of the maxims of juſtice, auſterely refuſe indemnification to our citizens; would it impair our credit at home or abroad, or enkindle the abhorrence of any nation in Europe, or of any individual, ſhould the United States, under theſe *oppreſſive circumſtances*, reſort to this expedient, in order to relieve their injured, their diſtreſſed, their plundered citizens? They might thus either themſelves indemnify them, or induce Great-Britain to render them juſtice. In either caſe they might accompliſh *what*, without this expedient in their hands, might demand that laſt and moſt dreadful alternative, an appeal to arms.

Has paſt experience convinced us that the ſimplicity of the Britiſh cabinet is incapable of brooding miſchiefs to this country?—Has her magnanimity on former occaſions juſtified the idea of our ſecurity without defence? Has her generous conduct towards us raiſed a demand of gratitude, a diſcharge of which requires this extraordinary engagement? Theſe are queſtions which require ſerious and ſatisfactory anſwers, before the public will agree with the FEDERALIST in the juſtice, the reciprocity, or the policy of this ſtipulation.

The

The Federalist.—No. V.

As publiſhed in the Centinel, Aug. 8, 1795.

MR. RUSSELL,

THE firſt number of the CONSTITUTIONALIST, in anſwer to the FEDERALIST, expreſſes his fears of the danger that may ariſe, from the ſmalleſt branch of the Legiſlature poſſeſſing a power, to make treaties independent of the larger. This remark is aimed againſt the conſtitution, that if it has no other effect, it may prepare the mind of the reader for his conſtruction: which, if true, will be a death blow to the treaty, and end all conteſt on account of its expediency. The town, on being convinced of this, may remain quiet and undiſturbed; for if made by people who have no power, it can never be a law—it is a mere dead letter.

After quoting various paſſages of the conſtitution, which deſcribe the powers of Congreſs; he conſiders it as clear, that no treaty can be made, in which the organ authorized, by the conſtitution, to make treaties, ſhall exerciſe any of thoſe powers. The conſtitution would, according to this writer, read thus—The Preſident, by and with the advice and conſent of the Senate, ſhall have power to make treaties, provided two thirds of the Senate concur; and provided always, that ſuch treaties do not relate to peace or war, that they do not regulate commerce with foreign nations—and that they do not provide for the common defence, and general welfare of the United States.

It would be ſtrange if the people of *America* had made ſuch a conſtitution, as prevented them from any negociation with foreign powers—on ſuch conſtruction, this would be the caſe. The Preſident and Senate are the only body empowered to make treaties;

and

and, according to this reaſoning, their power is ſo reſtrained, that it can never be exerciſed on ſuch ſubjects, as nations treat upon. The mere ſtating the conſequences of ſuch conſtruction, is ſufficient to ſhew its abſurdity ; and to convince any reaſonable man that it originated in no regard to the conſtitution.

Does it follow becauſe the conſtitution veſts a power in two bodies to do an act, that the exerciſe of ſuch power by either will be wrong ? If by either, then both—and the power is void. If commerce cannot be regulated by treaty with foreign nations, becauſe a power to regulate commerce is given to Congreſs ; then Congreſs cannot regulate commerce, becauſe the Preſident and Senate have power to make treaties, in which is undoubtedly included a power to regulate commerce with foreign nations.

The people of the United States, as has been elſewhere remarked, willing to provide for the two common methods of regulating commerce, viz ; by legiſlative acts, and by treaties, appointed Congreſs to make laws where thoſe were neceſſary ; and the Preſident, with conſent of the Senate, to make treaties where that method was obtainable, and thought moſt beneficial. The power, veſted in this latter organ of the people, is as full and complete, as that of making laws in the ordinary mode of legiſlation, is in the other.

The wiſdom and caution of the people, is, in no inſtance, more ſignally diſplayed than in thus veſting a power to make treaties. Promptitude in ſeizing the fitteſt occaſion, ſecrecy and diſpatch are often neceſſary in the forming of treaties. Such qualifications are not to be found in large bodies. Hence the wiſdom of veſting a power of negociation in the Preſident. To avoid too great haſte, imprudence, or want of knowledge, which might ariſe from an individual, the people appointed the Senate, (two thirds of which muſt concur) to weigh and diſcuſs the merits of a treaty, and ſanction it with their approbation, before the Preſident can render it obligatory on the United States.

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When it is conſidered, that the Senate will ever be compoſed of ſome, who have been of that department, nearly ſix years at leaſt; their knowledge of the laws of the United States, of its foreign and domeſtic relations, of the ſtate of its commerce, and what regulations will moſt advance its proſperity, cannot be queſtioned. Theſe qualifications render that body pre-eminently fit, for the duty of adviſing the Preſident, in his negociations with foreign powers. The ſecrecy uſed in ſuch affairs, and which is ſo bitterly exclaimed againſt by this writer, is indiſpenſably neceſſary to the ſafety and proſperity of the people. It avoids the violent oppoſition, which ariſes from the influence and intrigue of foreigners, or of thoſe who prefer the intereſt of a foreign nation to the intereſt of their own. The people appointed the Preſident and Senate to regulate their affairs with foreign nations, and neither directed, nor authorized them to take the advice of any man or body of men. To have communicated their tranſactions while in train, would have been to hazard the intereſt of the people; and ſuch a breach of truſt as to have juſtly expoſed themſelves to the ſevere reprehenſion of thoſe for whom they acted.

Under the confederation, the powers of Congreſs were not greater on this ſubject, than thoſe of the Preſident and Senate, under the preſent conſtitution. Congreſs then made treaties of alliance and commerce. The treaties were diſcuſſed, and ratified in ſecret. If it had been otherwiſe, the peace, happineſs and independence of the country might have been greatly endangered. Does any one believe, that the court of *France* would have negotiated with our miniſters, if they had ſuppoſed the negociation would inſtantly be made public; and that after a treaty was formed, inſtead of being diſcuſſed in Congreſs, it was to combat all the aſſaults of foreign influence in the cities of *America*?

It is highly probable that had it not been for the *ſecrecy*, as well as the conſummate ſkill and firmneſs of Mr. JAY and Mr. ADAMS, foreign influence would have prevented the explicit acknowledgment of our independence by *Great-Britain*, and our right to the fiſheries.

In

In the important treaties, negociated and ratified under the confederation, there never was a liſp againſt them, becauſe they were tranſacted in ſecret. The people knew that their rights depended on this mode of conducting ſuch buſineſs; and no one was hardy enough, then, to interfere with the eſſential rights of the people. Let thoſe who clamour at the Preſident and Senate for doing the buſineſs intruſted to them, in the manner which the experience of all nations, eſpecially of the United States, has ſtampt as alone ſafe and wiſe, ſhew that foreign influence and domeſtic intrigue is leſs to be apprehended now than formerly—that the people's rights will be better conducted by them, than by thoſe whom the people have choſen.

The objection to the treaty becauſe the Preſident and Senate had no power to make ſuch, will appear ſtill more extraordinary, when it is remembered that the whole ground of bringing forward the commercial reſolutions, by Mr. MADDISON, the winter before laſt; of their recommendation by Mr. JEFFERSON, then Secretary of State, was to induce Great Britain to make a treaty with the United States. The reſolutions were to apply only to nations, who had no commercial treaty with the United States; and they were ſupported againſt Great Britain, becauſe it was ſaid ſhe would make no treaty with us. Both parties then agreed that if commerce was regulated by treaty, it was out of their power; and the ſupporters of the reſolutions advocated them, on the probability of their forcing Great-Britain to regulate commerce by treaty. But if they had been bleſt with half the logic of the CONSTITUTIONALIST, they would have ſeen that it was wrong and inſidious in the Preſident, to have directed Mr. JEFFERSON to write to Mr. HAMMOND, demanding "*if he was authoriſed to conclude or negociate arrangements with us, which might fix the commerce between the two countries, on principles of reciprocal advantage.*"—in Mr. JEFFERSON, to have made "*propoſals of friendly arrangement to Great-Britain, on the ſubject of commerce*"—and becauſe of that government's unwillingneſs to enter into ſuch arrangements with the Executive, to

have

have propoſed to Congreſs, to commence a ſyſtem of prohibitions, duty, and regulations to produce what he thought might be better done by treaty. The Houſe of Repreſentatives, (whom this writer ſeems to have miſtaken for Congreſs, ſpeaking of the Senate's conſenting to a ratification of the treaty, he ſays, "*aſſumes powers conſtitutionally veſted in the Houſe of Repreſentatives*") inſtead of debating whether or not it was the intention of the Britiſh nation, to treat with us on commerce, ſhould have addreſſed the Executive on the inſidious conduct of demanding powers from a man, authorizing him to treat, and propoſing to him to negociate on ſubjects, on which they themſelves were not authoriſed to treat.

A particular objection is made to the 6th article of the inſtrument, becauſe it ſtipulates for the payment of certain Britiſh debts; to execute which ſtipulation, it will be indiſpenſably neceſſary to lay and collect taxes, duties, impoſts, or exciſes.—It is doubtleſs true, that Congreſs muſt lay and collect taxes to make this payment, if the treaty is ratified. The Preſident and Senate have done what they thought juſt and right; and it remains for Congreſs to do what is neceſſary on their part to fulfill the engagements of the United States.—"*Congreſs is to pay the debts and provide for the general welfare of the United States.*" And no good man can doubt, but that body will do what their duty directs. It is true, Congreſs may refuſe to do this—ſo they might refuſe to paſs any laws; but it is not a ſuppoſeable caſe. The Conſtitution is framed on the idea that every part of the government will do that, which it is authorized to do for the public good. What is to become of our unhappy fellow citizens in *Algiers*, if the doctrine advanced here is true; Congreſs cannot make a treaty for their redemption, becauſe Congreſs cannot make any treaty. The Preſident can make none for their redemption, becauſe he muſt incur a debt to the United States, and to pay that debt, it may be indiſpenſably neceſſary to lay and collect taxes. What a nerveleſs arm do theſe people give to the Conſtitution! Under a pretence of ſupporting it; they deſtroy the power of the nation, and the liberties of their fellow-citizens. The

The CONSTITUTIONALIST ſays, the FEDERALIST was incorrect in his ſtatement of the occurrences of the meeting; but does not even hint in what he was incorrect, unleſs it be in the ſtatement made of the publication of the treaty prior to the meeting. The FEDERALIST after ſtating the publication of the treaty, in *Boſton*, as allowed to be true by the CONSTITUTIONALIST; ſays the foregoing was the only publication of the treaty, prior to the meeting of the inhabitants on the 10th, except a publication of its ſuppoſed contents, by ſome one who read it; and which, on compariſon with Mr. MASON's copy, appears to be incorrect. The CONSTITUTIONALIST ſays, "*the inhabitants of this town through the medium of ſeveral newſpapers, had read nearly a counterpart in ſubſtance of the treaty before the arrival of the expreſs from Philadelphia, with Mr.* MASON's *copy.*" The only incorrectneſs charged againſt the FEDERALIST, is, in ſaying, that this counterpart in ſubſtance as it is called—was incorrect. Some of the reaſons on which he ſaid this was incorrect, are as follows, viz.—In the 7th article, as ſtated in this counterpart, it ſays, "*by this the United are to refund the value of Engliſh prizes taken in our waters, or by privateers fitted out in our ports.*" In the copy of Mr. MASON, it is not ſo. The United States are to refund *only* in ſuch caſes, where they forbare to uſe all the means in their power to obtain reſtitution. In the counterpart as it is called, 9th article—"*The ſubjects and citizens of the contracting parties, ſhall hold real eſtate in each others territories, with the ſame advantages as the citizens and ſubjects of the reſpective ſtates.*" This is groſly wrong, and well known to have cauſed much of the zeal excited againſt the treaty. In the treaty, the holding of lands is limited merely to thoſe who *now* hold lands, their heirs and aſſigns. In the 13th article of this ſuppoſed counterpart, it is ſaid that we can carry nothing that we export from the Eaſt-Indies, to any country but the United States, and here we cannot partake of the India carrying trade. This was an article that gave more umbrage to the inhabitants of *Boſton*, than any other.

By inſpecting Mr. MASON's copy, it appears that the goods exported from Eaſt-India, are to be carried to *America*; that we have

have an expreſs ſtipulation for a direct trade to and from India; that we are perfectly free to export from America to any part of the world, the goods we import from India; that the coaſting trade, and the trade from India to other parts of the world, reſt on preciſely the ſame footing as they did before, except that which is ſtipulated in another article that they will not refuſe to us any privileges in the trade which they may grant to other nations.

In this counterpart, it is ſtated under the 18th article, "*as it is difficult to determine the caſes in which proviſions carried to an enemy, are contraband, to avoid diſpute in theſe caſes, ſhould ſuch proviſions be ſeized, and the owners ſhall be paid for them, alſo their freight, &c. and a reaſonable mercantile profit.*"

By an examination of the article in Mr. MASON's copy, it appears that proviſions are never to be ſeized, but in caſes where, by the exiſting law of nations, they are contraband, and even then they are paid for. In the one caſe it was a manifeſt giving up of rights now enjoyed of carrying proviſions, while by the accurate copy, it is a clear and decided advantage to our citizens; ſtipulating for payment of freight, profit and demurrage, in caſes where by the law of nations, we had forfeited all claim to any thing. Can it be ſaid that the FEDERALIST was wrong in ſtating that this counterpart was incorrect?

It is conceded by the CONSTITUTIONALIST, that *this counterpart* was what the inhabitants of the town had read and conſulted previous to their meeting, and that the preparatory ſteps to the town meeting, were totally unconnected with Mr. MASON's copy of the treaty—This confirms what the FEDERALIST had ſuggeſted, and fully accounts for the warmth that was ſo viſible againſt the treaty. If preparatory to the meeting, the real copy had been read, and conſulted on, there is little reaſon to doubt, that a majority of the inhabitants would have been well ſatisfied with it.—The CONSTITUTIONALIST need not diſcover his anger, at an imputation that Mr. BACHE excited the patriotiſm of the petitioners for the town meeting. It was not even hinted by the FEDERALIST. They are perfectly

fectly welcome to the whole merit of the thing, and to the reputation of their ſpirited reſentment againſt the treaty before they had read it. As the CONSTITUTIONALIST declares, that ſome days before the arrival of Mr. MASON's copy, they had drawn their petition for a town meeting.

The CONSTITUTIONALIST ſays, the Committee could not know what the two miniſters, while in the act of forming the treaty, brought into conſideration; and therefore could not have intended in the objection, the aſſertion with which the FEDERALIST charges them. The FEDERALIST did not charge the Committee with knowing what the two Miniſters brought into conſideration—He ſays they aſſumed a fact for which they did not chuſe to give any evidence. He gave in his opinion that they did not know, if they did it would have been ſtated as the FEDERALIST preſumes.

The FEDERALIST then concluded that the Committee meant by the words *brought into conſideration*, that they were not the ſubject of negociation; that ſuch is certainly the natural meaning of the terms; and it was evidently the deſign of the Committee then; becauſe they go on and ſtate as objections to the treaty itſelf, their complaints not being provided for; and no body could be ſo uncandid as to believe, that they endeavoured to ſtretch their objections into many articles, intending the ſame thing; until the explanation made by the CONSTITUTIONALIST. He now ſays that all the evidence the Committee had on this ſubject is derived from theſe complaints and pretenſions not being mentioned in the treaty itſelf. Then they make two charges on the ſame ſubject. 1ſt. We object to the treaty becauſe our complaints have not been conſidered, by which we mean provided for and allowed; for the CONSTITUTIONALIST ſays the Committee did not know what paſſed in the negociation; and 2dly, We object to the treaty becauſe our complaints are not provided for and allowed; or elſe the charge is, that the conſideration did not appear in the treaty, that is, that the whole negociation did not make a part of the treaty—this laſt would be too abſurd to impute to any body.

Until the CONSTITUTIONALIST had ſtated, that the 2d objection was not of a ſufficient weight to prevent the ratification of the Treaty, it was really ſuppoſed that the town meant each of their reaſons as a ſupport of their general charge againſt the treaty, for being derogatory to national honor, &c. &c. but it ſeems now that the ſecond objection was only part of a reaſon, whether half a reaſon, a 10th or 20th part of a reaſon, we are not informed—poſſibly the 20th part; the whole 20 objections forming one reaſon ſufficiently important to prevent ratification; if this be the caſe, and the ſmalleſt part fails, the objection to its ratification falls. It is ſaid that the Britiſh debts are to be put in one ſcale, and the damages for detention of poſts in the other; but it ſeems this would not keep the beam even; for Mr. MADDISON ſtates, that the annual loſs by detention of poſts, amounts to one million two hundred thouſand dollars, making more than 14 millions of dollars; now it is preſumed, that this would more than balance the unpaid debts—and the clamor would have been equally great againſt Mr. JAY, and the Senate, if a ſtipulation had not been made for payment of the whole; for it is not to be believed that men who feel ſo much more keenly for the public intereſt than thoſe whom the people have appointed to guard and protect them, would have quietly given up 14 millions of dollars, for one million. In anſwer to an obſervation made by the Federaliſt, that damages for detention of territories were rarely if ever given after long and expenſive wars, terminating in favor of the party diſpoſſeſſed; it is ſaid that ſuch is the magnanimity of conquering nations, that they are willing to take the territory demanded, without inſiſting on any damages. This is a new hiſtory of the politics of nations, as well as the feelings of the human heart. Whether true or not, if ſuch would be the iſſue of a conteſt for the poſts, as ſeems conceded by the Conſtitutionaliſt, it will certainly be conſidered wiſe by the people of *America*, that the Miniſter was willing to take the poſts now without damages for detention, rather than involve his country in war to obtain them and damages, when even thoſe, who oppoſe the treaty on this ground, think the iſſue of a war, would, if we were conquerors, give us no more than we now have with peace, and without expence.

The

The Federaliſt.—No. VI.

As publiſhed in the Centinel, Aug. 12—15, 1795.

MR. RUSSELL,

THE FEDERALIST in his remarks on the third reaſon of the town, did not mean to ſtate the reaſoning of the Britiſh, on the 7th article of the treaty of 1783, as in his opinion concluſive againſt the demand of the American Miniſter, for the value of negroes embarked from *New York*, and ſuppoſed formerly to have been the property of Americans. In thoſe obſervations he gave no opinion. The weight of the reply by the Britiſh miniſter, muſt ever depend on its own intrinſic merit—and every candid American will give to it, all due force. The FEDERALIST ſtated that, under ſuch circumſtances, it was not ſuppoſeable, the Britiſh nation would recede from their conſtruction. If that was to be preſumed, the agent for *America* ought not to have adhered to this, as a point indiſpenſible; becauſe by breaking off all negociation on that account, he gave up the forts; he gave up all indemnification for our property captured on the ocean, and alſo the commercial advantages of the treaty.

The merchants of *Maſſachuſetts* will conſider, if they are willing to ſurrender all claim to their property captured by the Britiſh—to ſaddle themſelves with an Indian war, at the annual expenſe of a million of dollars, in a vain attempt, to gain by force, indemnity for a few ſlaves, once the property of their ſouthern brethren.

The CONSTITUTIONALIST ſays, "*that after a communication of the treaty to the Britiſh general, every ſpecies of the property of the American inhabitants ought to have been held ſacred; yet in the ſucceeding month, a large number of negroes did embark for the Britiſh provinces.*" It may be true, that a number of negroes did embark for the Britiſh provinces, but it by no means follows they were American property.

It

It is agreed that all the negroes which were embarked, were found in *New-York*, by Sir GUY CARLTON, and that he arrived there during the war. It is not pretended, that any negroes were taken from their proper maſters, or from any parts of the United States, under the controul of the American government, after the receipt of the Treaty, by the Britiſh Generals. Theſe negroes were either property, or they were free people. If property, they were as liable to be loſt and acquired by the rights of war, as any other property. It is not diſputed that the negroes which embarked from *New-York*, were either captured in war, or invited by a proclamation, declaring they ſhould be free on acceptance of the terms therein proffered. Had the ſouthern gentlemen any more right under the treaty of 1783, to claim negroes of the firſt claſs, than the New-England men their veſſels, or other goods taken during the war? They were both equally property in the view of a ſouthern merchant. Human fleſh, provided it is black, and a ſhip are held in the ſame light by ſlave holders, differing only as to their value in the market.—If captured during war, was not the property completely changed? It was in a veſſel, why not then equally ſo with a ſlave, which was as much property as a veſſel. The Conſtitutionaliſt is deſired to point out the difference, if there be any.

The other claſs was compoſed of ſuch, as, induced by the Britiſh proclamation, had left their maſters and withdrawn themſelves into the Britiſh lines. It will not be denied, that this is a rightful mode of depriving an enemy of property. After they had arrived within the Britiſh lines, it will not be contended that the Britiſh could deliver them up, without a manifeſt breach of faith. They had ceaſed to be American property, as much as a veſſel that had drifted from a port in the United States, into a port of the Britiſh. Had then the ſouthern citizens any more claim for theſe negroes, than the New-England men for their veſſels driſted from their own, into the port of their enemy? The ſame reaſoning applies to both, and appears juſt.

Such has been ſaid to be the reaſoning of the Britiſh miniſter in anſwer to Mr. JAY's repeated applications on this ſubject. Before

Mr.

Mr. JAY is blamed for not obtaining payment for the negroes, or the Senate for conſenting to the treaty, though ſilent on this ſubject, thoſe who affect to ſay that the treaty ſhould not be ratified unleſs compenſation is made ought to give it a ſatisfactory anſwer.

But it is ſaid that Sir GUY CARLTON was charged by General WASHINGTON, with having violated the treaty, in ſuffering the embarkation of negroes; that he acknoledged the truth of the charge, by his precautions in aſcertaining the number, and thereby gave an indirect opinion that reſtitution ſhould be made for them. The mere aſcertaining the number cannot ſupport this conſtruction. It is equal evidence that in his opinion, no claim for reſtitution could be maintained. Could he as an officer of the Britiſh crown, conſiſtently with any of the principles on which men generally act, violate the treaty, and at the ſame moment, give to the complaining party evidence of the violation, when fully within his power to have refuſed it? It is not preſumable. Examine the words of his letter, and it will appear that he did not admit the poſſibility of a Britiſh Miniſter having made a treaty, that bears ſuch a conſtruction. They are as follows, viz. "*The negroes in queſtion, I have already ſaid, I found free when I arrived at New York, I had therefore no right, as I thought, to prevent their going to any part of the world they thought proper.*"

"*I muſt confeſs that the mere ſuppoſition, that the King's Miniſter could deliberately ſtipulate in a treaty, an engagement to be guilty of a notorious breach of the public faith, towards people of any complexion, ſeems to denote a leſs friendly diſpoſition than I could wiſh, and I think leſs friendly than we might expect. After all, I only give my opinion. Every negroes' name is regiſtered, the maſter he formerly belonged to, with ſuch other circumſtances as ſerve to denote his value, that it may be adjuſted by compenſation, if that was really the intention, and meaning of the treaty. Reſtoration, where inſeperable from a breach of public faith, is, as the world, I think, muſt allow, utterly impracticable.*"

The Commiſſioners appointed by Gen. WASHINGTON, to ſuperintend the embarkation from *New-York*, and ſee that no American property was carried away, at the cloſe of the buſineſs, make report

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to him of their doings, wherein they say, "*Sir* GUY CARLTON *affected to diſtinguiſh between the caſes of ſuch negroes as came within the Britiſh lines, in conſequence of the promiſes of freedom, and indemnity held out in the proclamations of his predeceſſors, and ſuch as came in either previous to the proclamations, or ſubſequent to the ceſſation of hoſtilities.* Negroes of the firſt deſcription he ſuppoſed not included in the treaty, *as the public faith had, prior to the treaty, been pledged to them for their ſecurity againſt the claims of their former maſters.*"

The CONSTITUTIONALIST wiſhes to have it believed, that among 3000 negroes, there were none ſick, none ſo young or ſo old, as to be of little value; that they were all prime ſlaves; and that free negroes were ſo enraptured with this land of liberty, (where, to be ſure ſuch people are held as ſlaves) that they would not go with thoſe, who acknowledge them free, and where the laws would protect them with equal ſecurity as in *America*; and that, under a military government, thoſe who were really ſlaves, could not be compelled to go with their proper maſters. On theſe, and his obſervations on the value of ſo many thouſand human beings the FEDERALIST need make no remark. The CONSTITUTIONALIST much underrates the underſtandings of the Americans, if he ſuppoſes that any advantage can be derived to his arguments from ſuch attempts at impoſition.

The real queſtion before the public is—would the Britiſh nation accede to a conſtruction that deſtroyed their public faith? It is not probable they would. What then was the wiſeſt ſtep to be taken on the part of *America*? To accept the treaty thus; or in order to eſtabliſh a conſtruction, to ſay the leaſt doubtful, give up all hopes of obtaining the poſts peaceably, ſacrifice our navigation now floating unprotected, and inſtantly abandon our citizens whoſe property has been captured on the ocean. No man can doubt but that to undertake a war, for ſuch a purpoſe, would be the height of madneſs; that nothing but loſs and diſgrace could follow it. To give to this objection all the conſequence that is attempted, betrays extreme thoughtleſſneſs, if nothing worſe—Beſide ſacrificing all that we gain by treaty, it would be wantonly ſporting with the treaſure and lives

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of Americans, for an object of dubious right, trivial in its value, and confeſſedly unattainable.

The CONSTITUTIONALIST miſtakes, if he thinks the FEDERALIST ſtated that any treaty between the Kings of Great-Britain and Pruſſia had regulated the law of nations in that particular caſe—He ſtated that the King of Pruſſia in 1753 complained that the property of his ſubjects had been unlawfully ſeized on the high ſeas by Britiſh ſubjects, and condemned—That the anſwer by the Britiſh Court was, that all captures at ſea were tried by Admiralty Courts, and that this was the immemorial cuſtom of Europe. The CONSTITUTIONALIST ſays that this doctrine, though juſt, does not apply to our caſes; that they are not ſimilar.

Of what do the United States complain? of unlawful captures at ſea; of what did the King of Pruſſia complain? of unlawful captures at ſea.—The United States and Pruſſia were reſpectively at peace, when the captures were made, and Britain at war. What was the doctrine ſtated, and acknowledged true by the CONSTITUTIONALIST? "*That by courts of admiralty, acting according to the law of nations, and particular treaties, all captures at ſea now are, and have been immemorially judged of, in every country of Europe, and ſubmitted to by neutral powers, and that any other method of trial would be manifeſtly unjuſt, abſurd, and impracticable.*" This he agrees to be according to the uſage of nations—He is deſired to point out the diſtinguiſhing mark in property claimed by the American merchants as captured from them by the Britiſh, which is not included in the terms, *all captures at ſea*. He is deſired likewiſe to ſhew wherein the doctrine laid down by Mr. JEFFERSON does not apply.

In a treaty of Peace made in 1763, between the King of *Great-Britain*, the King of *France*, and the King of *Spain*, it is expreſsly ſtipulated, that "*the deciſion of the prizes made in time of peace, by the ſubjects of Great Britain, on the Spaniards, ſhall be referred to the courts of juſtice of the admiralty of Great Britain, conformably to the rules eſtabliſhed among all nations, ſo that the validity of the ſaid prizes*

between

between the Britiſh and Spaniſh nations, ſhall be decided and judged, according to the law of nations, and according to treaty, in the courts of juſtice of the nation who ſhall have made the capture."

In the treaty of Peace made between *France* and *Great Britain* in 1783—it is ſtipulated that the deciſion of the prizes and ſeizures made prior to the hoſtilities ſhall be referred to the reſpective courts of juſtice; ſo that the legality of the ſaid prizes and ſeizures be decided according to the laws of nations, and to treaties in the courts of juſtice of the nation, which ſhall have made the capture, or ordered the ſeizure.

Thus we ſee that after long and expenſive wars by the moſt powerful nations on the globe, this mode of trial, and obtaining compenſation for ſeizures made in time of peace was conſidered right and acquieſced in. It is not therefore probable that after immenſe expenſe of blood and treaſure in a war with *England*, if ſucceſsful, we ſhould obtain better terms. Is it not wiſe then to accept that with peace, which in the moſt proſperous event of a war would be all we could expect to gain?

He attempts to derive force to the reaſon of the town by ſaying that the United States have agreed to a more ſummary mode of trial of the Britiſh claims; and as an equivalent they ſhould have granted a like mode. A little attention to the cauſes of complaint on the part of the Britiſh will ſhew that a determination by commiſſion will only take place, where it is impoſſible for the ordinary courſe of judicial proceedings to reach the evil.—Firſtly, The Britiſh debts due in 1783. The treaty authorizes commiſſioners to take cognizance only of ſuch debts as, where by the operation of various impediments created by law. Britiſh creditors have been prevented from obtaining juſtice, and where judical courts cannot *now* procure them compenſation. If they can obtain juſtice in the courts of law, they are obliged to reſort there. The commiſſioners cannot ſuſtain their complaints. It eſtabliſhes this ſummary mode to compenſate for loſſes, occaſioned by our not permitting Britiſh creditors to have the advantage of the laws of the land, which was expreſsly ſtipulat-

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ed in the treaty of peace. For redreſs of our complaints, the courts are open, and what we cannot obtain in this way, ſhall be made up to us by commiſſioners. Surely it will not be ſaid, that we have agreed to a more ſummary mode of trial for Britiſh complaints, than they have for American complaints.

The other ground of complaint on the part of the Britiſh, is in permitting their veſſels to be taken in our ports, or by privateers fitted out in our harbours; and forbearing, for particular reaſons, to make uſe of all the means in our power to prevent their being captured, or to obtain reſtitution when captured. It is well remembered what the particular reaſons were—A foreigner intent on involving our country in a war, and ſupported by an unprincipled faction of Americans, created ſuch a ferment as rendered it hazardous to attempt executing the laws.

The government forebore to afford them juſtice in our courts, at that time. It cannot now; thoſe who then inſulted the ſovereignty of our country are fled, and have taken the property with them —It would be a mockery of juſtice to refer the Britiſh complainants to our courts, when neither their property, nor the perſons who injured them are within our juriſdiction. It will not be pretended that theſe complaints are in a ſimilar ſtate with ours.

The CONSTITUTIONALIST concedes that the country occupied by Indians within the Britiſh territory, contains by far the greateſt proportion of furs, but then it is ſaid that this is not advantageous, becauſe the Britiſh traders can ſupply their ſtores from the United States. By his own ſtatement then, the advantage is double. We can purchaſe largely of furs, and can pay for them by the ſale of goods. Is it diſadvantageous to have a new market open, where we can buy a valuable article, either for our uſe at home, or for exportation to foreign countries; becauſe a market is likewiſe opened, where we may vend many goods imported from *Europe* and *Aſia*, at our own prices; for this writer ſays, by reaſon of ice in the *St. Lawrence*, the Britiſh traders cannot import goods from *Europe*

more than half the year—and will be obliged to ſupply their ſtores from the United States.

In the next paragraph he ſays—" They will alſo be able, however extraordinary the grant of this privilege may appear, to import their goods into any port of the United States, and from ſuch atlantic port tranſport the ſame throughout our whole territory free of *an alien duty*, upon the ſame terms as our own citizens—What this writer would intend here cannot be conjectured—He certainly cannot intend to ſay, that Britiſh ſubjects can import goods into the atlantic ports of the United States, at leſs duties than they did before the treaty—If he does he intends to deceive his readers—There is not a word in the treaty that gives ſuch right—Goods imported into the atlantic ports by Britiſh ſubjects are liable to the ſame duties before and after the ratification of the treaty. If they ſhould chuſe to import all their goods into the atlantic ports of the United States, and pay us duties, and tranſport them through our territories, what would be the injury to us? None—We ſhould be great gainers. And no ſenſible man could ever ſuppoſe any other than beneficial conſequences, if all the Britiſh colonies were to be ſupplied through the United States.

In the next ſentence, the note is entirely changed, and it is there aſſerted " that Britiſh traders have ſuch large capitals and ſuch connections with the Indians; and Americans have ſuch ſmall capitals, and without ſuch connections, that the article can be of no advantage to the Americans. His only meaning here can be, that we can neither have a market for importation or exportation. He is requeſted to reconcile the contradiction between this and the former part of the paragraph; where he gives us to underſtand that the Britiſh traders muſt be ſupplied from the United States, becauſe they cannot import more than half the year by ſea. He ſays, *Aſiatic* goods under the treaty cannot be afforded on better terms, by American citizens, than by Britiſh ſubjects; becauſe the Britiſh government reſerves to itſelf the right of impoſing on American veſſels entering into the Britiſh ports in *Europe*, a tonnage duty equal to that which ſhall be payable by Britiſh veſſels in the ports of *America*;

ca; and alſo ſuch duty as may be adequate to countervail the difference of duty now payable on the importation of European and Aſiatic goods, imported into the United States, in Britiſh or American veſſels." The CONSTITUTIONALIST is deſired to point out how this article can poſſibly produce the conſequences he predicts, or what relation it has to this ſubject. We import our Aſiatic goods, direct from *Aſia*. We do not import them from any *Britiſh* ports in *Europe*.

It has not been denied that Aſiatic goods are a third cheaper in the United States, than in England, whence the coloniſts muſt get them, unleſs they import them from *America*. How then can it be ſaid, with or without this wonderful reaſon, which with equal aptneſs might be applied to increaſe the clamour on the negro buſineſs, that Aſiatic goods cannot be afforded on better terms by American citizens, than by Britiſh ſubjects? He goes on to ſay, "that more is required than the naked aſſertion of the FEDERALIST, to prove that the American citizens will be able to import the goods, that are conſumed by the Indians, into the United States, upon better terms than Britiſh ſubjects can import the like merchandizes into the Britiſh provinces." It is true, and the knowledge of every reflecting man is what ſupports the aſſertion; but leſt the aſſertion of the FEDERALIST ſhould not be believed for the reaſons given by him, the CONSTITUTIONALIST endeavours to confirm it by telling us, that the Britiſh traders will have an advantage in buying of us, rather than importing by the river *St. Lawrence*; that the Britiſh can even import into the *Atlantic* ports of the United States, and thence tranſport by land into the interior of their own country, on better terms, than they can into their own ports.

This writer aſſerts, "that the Britiſh ſubjects could not enter our ports as freely before the treaty as they may in caſe of its ratification, for they were before ſubject to an alien duty, which will be completely ſuſpended by its ratification." The aſſertion of the FEDERALIST was, "they ſpeaking of the Britiſh, enter our ſeaports

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as freely now, as they can by treaty." This is true; and the CONSTITUTIONALIST is desired to shew a word in the treaty, that lessens the duty now paid by British subjects, in our seaports.

After allowing that the traffic with the Indians is within the British territories, he remarks that "just removing her posts, over the line of intersection, between the two territories, by which means her settlers and trading houses, will remain an insurmountable barrier to the traffic of our citizens with the Indians within the British territories." By treaty we have a right to go into *all their territories*, by land, or inland navigation, not merely to their posts. Pray then, Mr. CONSTITUTIONALIST, tell us how her settlers and trading houses will be an insurmountable barrier to this trade?

The fur trade he says will not be worth a pepper-corn. Mr. JEFFERSON says, "delaying to surrender us the posts, cuts us off from the fur trade, which before the war, had been always of *great importance as a branch of commerce*, and as a source of remittance for the payment of our debts to *Great-Britain*." Mr. MADISON stated the fur trade, withheld by the posts, worth 200,000 dollars per annum.—But the article which admits us into a fur trade, six times greater, to say the least, than that derived from a mere surrender of the posts, this advocate of the committee calls a mere pepper corn!!

The 15th article of the treaty, is brought forward as an objection of immense weight against the treaty. Let us see how it stands. It is acknowledged, that British vessels now pay an higher duty in American ports, than American vessels pay in British ports. The parties stipulate to treat for the more exact equalization of duties, within two years after the present war, and agree that, in the interval the difference now subsisting, shall not be increased. This is in its nature a very temporary arrangement; and, without an express stipulation, hardly any language can be more strong, that *Great Britain* will not raise her duties. She must equally raise them on all other nations, if she does on us; and their duties have remained the same for many years.

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He aſks the FEDERALIST, whether any ſuch article exiſts in our other treaties. The anſwer is no. The reaſon is, becauſe at making thoſe treaties, no ſuch difference ſubſiſted, and there was no National Government authorized to impoſe duties. And further, let it be remarked, that this article is equally beneficial to the other powers, with whom we have ſtipulated not to impoſe higher duties, than thoſe paid by the moſt favoured nations. The horrible event therefore, of offending our allies, need not be apprehended from this article.

The CONSTITUTIONALIST allows that all the aſſertions made by the FEDERALIST, reſpecting the right of nations having colonies, are true; and obſerves that there are but few, in this enlightened country, who are ſo ignorant as not to know, that unleſs we gain a right by treaty, *Great Britain* may prohibit our trading, or even entering the ports of her colonial poſſeſſions, without affording us any juſt cauſe of complaint. Every admiſſion then of American veſſels into her colonies muſt be conſidered a grant in our favour, of certain acknowledged rights.

It is unneceſſary to remark that by the confeſſion of this writer, he, and thoſe whoſe cauſe he attempts to advocate, complain of the article ceding us certain rights in the *Eaſt Indies*, without any juſt cauſe of complaint. Having an abſolute right, according to the CONSTITUTIONALIST, to deny us all trade, the permiſſion of even a partial commerce muſt be conſidered an advantage gained by the treaty.

The CONSTITUTIONALIST, is requeſted to point to any thing that we give in exchange for this important trade to the *Eaſt Indies*. Here is the ceſſion of a right which it is acknowledged *Great Britain* was under no obligation to grant, for which in return we have granted nothing; but they ſay the treaty wants a reciprocation of benefits from *Britain* to *America*.

The FEDERALIST expreſt no admiration, nor even an opinion of the writings of Lord SHEFFIELD, he only quoted his words, he has

frequently

frequently quoted the CONSTITUTIONALIST—By the ſame rule it may be concluded, he admires the writings under this ſignature—to draw ſuch concluſions from ſuch premiſes, is a ſpecies of logic yet unknown to the FEDERALIST—he forbears any further remarks—he writes merely with a view of pointing to the truth—to lead men to think and act for themſelves.

The CONSTITUTIONALIST after having fully and completely allowed the rights of *Britain* to an excluſive trade with her colonies, and abſolute want of a right in us to trade there, unleſs ceded by treaty, has the wiſdom to contend that we ought not to receive any by ſtipulation; and that the treaty ought not to be ratified becauſe of an article which gives us a valuable trade to her colonies.

But then he implies that a trade to the Eaſt Indies will not be ſubſtanially beneficial, becauſe in his opinion, on compariſon with its preſent advantages, it will not be equally ſo as now. This may be offered as a ſample of logic—it is certainly neither truth nor common ſenſe, to ſay that a thing cannot be ſubſtantially, or poſitively good, becauſe it has been better.

Goods are uſually ſold cheaper in *Oſtend* than here—proof offered—they are *ſometimes* imported from that country to this. India goods are *ſometimes* imported from *England* into *America*; therefore they are cheaper there, than here. They are *ſometimes* imported from *France* into *America*. According to ſuch reaſoning, it would be not difficult to prove that almoſt every article of commerce is cheaper in every part of the world, with which we trade, than in *America*. Do merchants never ſend goods from one port to another, but when they are dearer in the place ſent to, than in the place ſent from? This would be to ſuppoſe certain knowledge in a merchant of the different markets, in diſtant quarters of the world, not only of times paſt and preſent, but of future times. This would be a kind of preſcience extremely valuable, but not yet attained. Do merchants never ſend goods to a port for a remittance, becauſe they are cheaper in the place ſent to than the place ſent from? The CONSTITUTIONALIST ſays goods ſent from *America* to the *Eaſt Indies*, are generally ſold at a loſs.

Suppoſe,

Suppoſe, for a moment, that the reaſon given ſupports his aſſertion, what has it to do with our trade to *Aſia?* The true queſtion by a merchant would be, where can I procure Aſiatic goods on the cheapeſt and beſt terms? If in *Oſtend*, rather than in *India*, it will be better to import ſuch goods from Oſtend than India. But until it can be ſhewn, that India goods can be imported on better terms from Europe, after the merchants have added their profits, than from Aſia, it is probable the trade will continue, and be conſidered a beneficial one, although they are *ſometimes* imported from *Oſtend.*

This reaſon, though it came out modeſtly in the firſt part of the paragraph, in the latter part is made to prove that not only our trade to India will in future not be beneficial, but that we might obtain our India goods in *Oſtend* cheaper than in *Aſia.* What a pity, that this reaſoning had not been brought to the public eye, before this late hour. The merchants of *Salem* and *Boſton* had more than thirty veſſels, chiefly ſhips, in the year 1793, amounting to more than five thouſand tons, ſtupidly purſuing a voyage of fifteen months, at three times the expence that it would have coſt them to have obtained the ſame profits, from *Oſtend*, in five months, according to this writer—for the charge of five per cent. to procure bonds exiſts no where but in his imagination. There is not a word in the treaty rendering bonds neceſſary. The increaſe of twenty per cent. likewiſe, which he has conjured up, has no other foundation. The words of the treaty are "neither is this article to be conſtrued to allow the citizens of the ſaid States to ſettle or reſide within the ſaid territories, or to go into the interior parts thereof, without the permiſſion of the Britiſh government eſtabliſhed there, and if any tranſgreſſion ſhould be attempted againſt the regulations of the Britiſh gove rnment in this reſpect, the obſervance of the ſame ſhall and may be enforced againſt the citizens of America, in the ſame manner as againſt Britiſh ſubjects or others tranſgreſſing the ſame rule." It cannot be denied by any who read this part of the article, that we have the ſame right after as before the ratification of the treaty; and a candid man would have thought, that putting our citizens on exactly the ſame footing as their own, would have reſcued this part

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of it at leaſt from cenſure ; eſpecially when we conſider the immenſe expence *Great-Britain* incurs for ſecuring this trade to her own ſubjects. It is yet poſſible that the merchants will continue to rely more on their own calculations, than this ſublime logic of the ſchools.

The CONSTITUTIONALIST agrees that *Great Britain* may prohibit us from all trade in her *Eaſt India* ſettlements, without juſt cauſe of complaint on our part—That ſhe has ſtipulated to grant that which we could not claim of right, and which ſhe has not ſtipulated to grant to any other nation, that having ſtipulated to grant us certain rights, does not impair her power to permit us the exerciſe of others—That our rights by permiſſion will be as ſtrong after, as before a ratification of the treaty—Yet he concludes that we are expreſsly prohibited by treaty from all trade not abſolutely granted. This appears to be a palpable contradiction in the CONSTITUTIONALIST—He may, however, conſole himſelf by ſetting down this remark as a ſelf evident propoſition—He ſays, "*America* had certainly a right to expect the ſame indulgencies would have been ſecured to her citizens in their intercourſe to the Britiſh ſettlements in *India*, as are enjoyed by other nations." (*Indulgencies*—Strange that this writer would uſe ſuch a term as applying to us from *Britain.*) Let it be remarked in anſwer to this obſervation ; that other nations have no *indulgencies ſecured to them.* Further, *Great Britain* cannot prohibit us any indulgencies without prohibiting them, to other nations, according to the 15th article of the treaty, wherein it is ſaid, "Nor ſhall any prohibition be impoſed on the exportation or importation of any articles to or from the territories of the two parties reſpectively, which ſhall not equally extend to all other nations."

He ſays that "Britiſh veſſels by the treaty receive from us indulgencies, which are not allowed even to our allies." This is not true—It cannot be ſupported by a word in the Britiſh treaty. And the treaty between us and *France*, expreſsly ſtipulates, that her ſubjects ſhall enjoy and receive every right and immunity that other nations do or *ſhall* enjoy.

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The CONSTITUTIONALIST ſupports the 8th reaſon of the town, by aſking, whether in other treaties, there is any ſtipulation that we will export goods directly from *India* to *America*.—The anſwer is, there is not; and the reaſon is obvious. No other nation has permitted us by treaty, to go to *India*. There is no reſtriction of a trade there in our treaties, with other powers, becauſe they do not allow us to trade there at all. This may be put down in the claſs of ſelf evident propoſitions. The FEDERALIST rejoices that he has ſo many; wherever he finds any in the writings of his opponents, he will certainly pay them the tribute of acknowledgment.

He has mentioned ſome of the errors, and contridictions of the CONSTITUTIONALIST. There are others ſo ſelf evident, that it would be an affront on the public, to ſuppoſe they can be read, without being inſtantly ſeen and felt.—Such are thoſe on the clauſe by which *Great Britain* reſerves a right to place her duties on a par with ours. This is an article which appeals ſo forcibly to our ſenſe of juſtice for its fitneſs, that objections to it could not have been thought poſſible; and it cannot eſcape the notice of the moſt curſory obſerver, that all who attempt to ſupport their objections, conſtantly aſſume premiſes, or draw concluſions ſo apparently falſe, as to convince their readers of the very reverſe of what they intended.

The Federaliſt.—No. VII.

As publiſhed in the Centinel, Aug. 26, 1795.

MR. RUSSELL,

THE fourth number of the CONSTITUTIONALIST in ſupport of the town's Committee, "that the reciprocity contained in the treaty, was merely nominal and deluſive," offers the 3d, 5th, 6th, 7th, 9th, 10th, and 28th. The obſervations therefore made

by the FEDERALIST, on the third, ſixth, ſeventh, tenth and twenty-eighth articles, and which have remained uncontroverted by the CONSTITUTIONALIST, have ſatisfactorily proved, as he truſts, that they are highly beneficial to the United States. That the third opens to us a very lucrative trade, and liberalizes the colony ſyſtem in our favour, more than *Great-Britain* has ever done to any other nation, and more than any other nation has ever done to the United States—which trade, by the acknowledgment of the CONSTITUTIONALIST ſhe might have withheld without any juſt cauſe of complaint on our part. That the twenty-eight article ſecures to our citizens payment for proviſions in caſes whereby the exiſting law of nations ſuch proviſions would have been juſtly forfeited. It is not denied, that this is the natural and obvious conſtruction of the article; indeed words could not have made this plainer. What then can be the motives of writers who ſee and confeſs this to be the true ſenſe of the terms; and at the ſame time, aſſert that "by this ſtipulation the United States ſurrender to *Great-Britain* the right never before reſtricted, to ſend certain articles to *France*, and even legalize her arbitrary ſeizure of them." Do they think that a falſehood, becauſe it is repeated, can be palmed on the public for truth? Or do they think becauſe they frequently tell of their love for the people, and their reſpect for an *enlightened public*, that they can thus inſult their underſtanding, at the expence of truth and common ſenſe?

The ninth article is conſidered as extremely injurious—and the Conſtitutionaliſt has been pleaſed to remark that Britiſh ſubjects now hold vaſt tracts of land in the United States, in fee ſimple, and that American citizens now hold a few rods of land in the Britiſh dominions, in *fee tail* only. Whence this writer aſſumed this fact is not known—It is believed they exiſt only in his own imagination.

Among the artifices attempted to impoſe on the public, none have been more induſtriouſly uſed, than that of exciting an idea in the people, that their lands were to be holden by Britiſh ſubjects, and that this article would even deprive them of their own ſoil.—The moſt ridiculous falſehoods have been circulated in converſation,

and

and in the public papers; ſuch as have ſhewn the utmoſt contempt for the underſtandings of our fellow-citizens, with a view of frightening weak and childiſh minds. The words of the article merely extend to lands *now holden*. It gives a Britiſh ſubject no right to buy real eſtate; he cannot acquire lands by purchaſe under this article. It contains no other right than is in the treaty of peace; with this addition, that they who now hold lands may convey them by deviſe or otherwiſe—Whereas by a rigid conſtruction of the article in the treaty of peace, and the law reſpecting a right to hold lands by aliens, the beſt ſubjects could only hold lands during their lives, and if a deſcent was caſt before a conveyance, the lands became projected to the government.

Until the laſt ſeſſion of Congreſs, any alien being a free white perſon, who had reſided two years in the United States, and one year in any particular ſtate, and could give ſatisfactory proof to any court of record, that he was a perſon of good character, on taking an oath to ſupport the Conſtitution of the United States, might become a citizen of the United States. This naturalized not only the alien, but alſo all his children under twenty-one years of age. Thus cheap and eaſy was the mode not only of acquiring a right to hold lands, but of moſt all the rights that could in any caſe appertain to a citizen.

The ſtate of *Georgia* the laſt winter, ſold many millions acres of land, and in their deeds of ceſſion enacted, that if aliens parchaſed, they ſhould hold the ſame, with all the privileges that could appertain to them if citizens. In the month of May laſt, the ſtate of *Connecticut* propoſed to ſell a tract of land containing ſeveral millions of acres—and in their act, they expreſsly authorized their Committee to make ſale of the land, and execute deeds thereof to any perſons whether inhabitants of the United States, *or others*. It is ſaid that in the ſtate of *Pennſylvania*, any aliens may purchaſe and hold lands. In our treaty with *France*, Frenchmen are expreſsly authorized to hold lands. After ſuch an expreſſion of the ſenſe of the people, on the ſubject of aliens holding lands, it cannot be preſumed, that it is in the power of the moſt ranting madman to impoſe a

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belief on the weakeſt, that a clauſe in the treaty which permits Britiſh ſubjects to retain and convey the lands they now hold, can be of the ſmalleſt evil.

The CONSTITUTIONALIST ſays there was no doubt in the Miniſters who negociated the treaty, as to the name of the river *St. Croix*, mentioned in the treaty of peace. The miniſters themſelves ſay there were doubts, and the Senate has acceded that there were doubts as to the name of the ſaid river—whom will the public believe—their own officers, men of their own chooſing, and ſpeaking of their own apprehenſions, or an anonymous writer, who pretends to know more of the ſentiments of men than they know themſelves.*

The 6th article is nominal and deluſive, as this writer aſſerts, becauſe it is not therein ſtipulated that commiſſioners ſhall be appointed to decide on debts due from Britiſh ſubjects to citizens of the United States, and loſt by lawful impediments. If ſuch a ſtipulation had been inſerted, it might well have been termed nominal and deluſive, for it is well known that there is not the ſmalleſt pretence for ſaying that any lawful impediment exiſts in *Great Britain*, ſince the treaty of peace, againſt the recovery of debts due to American citizens, by the operation whereof full and adequate compenſation cannot now be obtained, in the ordinary courſe of judicial proceedings.

The quotation from VATTEL, reſpecting the manner in which republics treat with monarchs, is fully agreed by the FEDERALIST—

and

* *Our own government has expreſsly ſtated, that there were doubts reſpecting the river* St. Croix, *intended by the Treaty of Peace—Mr.* JEFFERSON, *Secretary of State, in a letter to Mr.* HAMMOND, *Britiſh Miniſter, writes with the expreſs view of bringing into diſcuſſion, the diſputable points, and infractions of the treaty of* A. D. 1783, *ſays—"A difference of opinion too having ariſen as to the river intended by the Plenipotentiaries to be the boundary between us, and the dominions of Great Britain, and by them called* the St. Croix, which name, it ſeems, is given to two different rivers, *the aſcertaining of this point, becomes a matter of preſent urgency; it has heretofore been the ſubject of applications from us to the government of Great-Britain."*

and the character of our Envoy, long ſince eſtabliſhed in the grateful remembrance of his countrymen, would not ſuffer a doubt in the mind of any man, that this equality of republics would be fully vindicated by him. The treaty of commerce which is the ſubject of diſcuſſion has only added another proof of his ability, in vindicating the rights of republics. In the treaty of peace which he, with his compatriots ſo ably negociated at *Paris*, he gave the fulleſt evidence of his ſkill and power in treating on equal terms with royal governments, though oppoſed by an inſidious ally, and deceitful court. At that time the ſame men, who now attempt to deſtroy his well earned fame, would have proſtrated the republic of *America* at the feet of a royal court, now acknowledged to be the moſt corrupt and perfidious in *Europe*. The firmneſs and abilities of Mr. ADAMS, the Vice Preſident, and Mr. JAY, ſaved our country from the diſgrace.

The ſuggeſtion that the FEDERALIST can be offended by the eſtabliſhment of a doctrine like that mentioned by VATTEL, excites no other emotions in his breaſt than thoſe of contempt.

From the eſtabliſhment of the federal conſtitution to the preſent moment, there has been a party in the United States, which, with unceaſing and active malignancy has oppoſed the freeſt republic on earth—This party nevertheleſs boaſts of its republicaniſm.

The CONSTITUTIONALIST in his fifth number, in vindication of the 11th reaſon of the town, and in oppoſition to the treaty, becauſe it expreſsly ſtipulates, that in caſe of war, debts neither public or private ſhall be confiſcated, ſeems to concede that credit has been of great efficacy in producing the proſperity of our country; and that in the laſt war, nothing was gained by a ſequeſtration of debts—conſiders ſuch truths as irrevelant to the ſubject. Surely if the people are ſatisfied, that credit has produced and is producing the moſt conſpicuous advantages to this country, they will avoid every thing that tends to impair credit, for by leſſening that, they will aſſuredly leſſen their advantages.—If in the laſt war, they eſſayed this method of deriving benefit, and found it unſucceſsful, they will call for complete proof of its ſuppoſed advantages, before they attempt

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it again. The queſtion he makes, is—Has the United States a right by the law of nations, to confiſcate ſuch debts. He aſſerts that they have, and to prove the aſſertion, quotes VATTEL; but either overlooked a very material part of a paragraph, reſpecting private debts, or for ſome purpoſe, did not chuſe to bring it into view. Immediately following his firſt quotations, and between that and his laſt quotation, are theſe words—"But at preſent, in regard to the advantage and ſafety of commerce, all the ſovereigns of *Europe*, have departed from this rigour; and as this cuſtom has been generally received, he who ſhould act contrary to it, would injure the public faith, for ſtrangers truſted his ſubjects only, from a firm perſuaſion, that the general cuſtom would be obſerved." VATTEL is here ſpeaking of debts, due from individuals of one nation to thoſe of another; and this is the writer quoted by the CONSTITUTIONALIST, to ſupport the right of confiſcating private debts. Which are we moſt to admire at, the weakneſs of the committees advocate, or his audacity in thus attempting to impoſe on the public.

If we had occaſion to remark on the meanneſs and falſity of conduct in excluding an intermediate paſſage that ſo completely deſtroyed a doctrine, the CONSTITUTIONALIST was labouring to ſupport, we can feel nothing but contempt for a writer who inſults the public underſtanding, by making the following quotation, viz. —"A State at war, does not ſo much as touch the ſums which it owes to the enemy. Every where, in caſe of a war, funds credited to the public, are exempt from confiſcation and ſeizure." And then aſſerts, that he has demonſtrated that "a right to ſequeſter or confiſcate monies in the public funds, does exiſt according to the law of nature and *nations*."

The CONSTITUTIONALIST ſays, "the ſituation of European nations, might have led them to this cuſtom, but they have not recognized the ſame by any national compacts or treaties." The word cuſtom, as quoted from VATTEL, referred to private debts as any one may ſee, who will turn to VATTEL, 3d. book, chap. 5th, ſect. 77.

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The CONSTITUTIONALIST, with his uſual diſpoſition to pervert the truth, applies it to the laſt quotation, from VATTEL, which reſpects monies credited to the public. The CONSTITUTIONALIST, further aſſerts, in ſpeaking of a right to confiſcate debts generally, "the exerciſe of this right, has never yet been reſtricted by treaty. It has by common conſent, reſted entirely with the wiſdom and humanity of nations."

Theſe aſſertions of the CONSTITUTIONALIST, are abſolutely untrue. There is ſcarcely a treaty made in the laſt century between any of the European nations, but what reſtricts the right to confiſcate debts, and recognizes the doctrine, as laid down by VATTEL, to have originated from cuſtom. In the treaty between *Ruſſia* and *Great Britain*, 12th article; it is ſtipulated, "that if the peace ſhould come to be broke, the perſons, ſhips, and commodities, ſhall not be detained, or confiſcated; but they ſhall be allowed, at leaſt, the ſpace of one year, to ſell, diſpoſe, or carry off their effects;—and they ſhall farther be permitted, either at or before their departure, to conſign the effects which they ſhall not as yet have diſpoſed of, to ſuch perſons as they ſhall think proper, in order to diſpoſe of them as they deſire, and for their benefit; which debts, the debtors ſhall be obliged to pay in the ſame manner as if no ſuch rupture had happened." In the treaty made between *Spain* and *Great Britain*, in the year 1667, is the following article; "if a war ſhall happen, the reſpective ſubjects and people ſhall have notice thereof, given them in time, viz.—ſix months to tranſport their merchandize and effects, without giving them in that time, any moleſtation or trouble, or retaining, or embarraſſing their goods or perſons." In the treaty between *Great Britain* and *Portugal*, concluded in 1642, the 18th article is as follows; "in caſe of difference, two years are allowed on both ſides, to tranſport their merchandizes and goods, and in the mean time, there ſhall be no injury or prejudice, done to any perſon or goods, on either ſide." In the treaty between *Ruſſia* and *Denmark*, 35th article: It is ſtipulated, "merchants ſhall have a year to depart, may ſell, part with, or remove their effects, and thoſe who owe them money, ſhall be obliged to pay their debts, equally

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as if no rupture had happened." In the treaty made between *France* and *Great Britain*, in the year 1786, it is agreed in the 2d article, "that if at any time there ſhould ariſe any miſunderſtandings, breach of friendſhip, or rupture between the crowns of their Majeſties, the ſubjects of each of the two parties, reſiding in the dominions of the other, ſhall have the privilege of remaining and continuing their trade therein, without any manner of diſturbance, ſo long as they behave peaceably, &c. &c. and in caſe their conduct ſhould render them ſuſpected, and the reſpective governments ſhould be obliged to order them to remove, the term of twelve months ſhall be allowed them for that purpoſe, in order that they may remove with their effects and property, whether intruſted to individuals or to the ſtate."

The 20th article of our treaty with *France*, the 3d of that with the *United Netherlands*, and the 23d with that with the King of *Pruſſia*, reſtrict the exerciſe of this right which the CONSTITUTIONALIST ſays, never has yet been reſtricted by treaty.—What confidence can be placed in a writer, who makes ſuch falſe aſſertions, to induce the people, to adopt principles which are exploded by all the civilized world; and which even the barbarians of *Algiers* have abandoned, as too diſgraceful for their character.

After a review of the aſſertions of the CONSTITUTIONALIST, in his 5th number, none can wonder at his attempts to ridicule morality, and his exclamations at what he is pleaſed to call a ſaint like zeal againſt injuſtice.

After all, the public cannot avoid the concluſion, that writers like the CONSTITUTIONALIST, who object to the treaty, on account of the article reſpecting the confiſcation of debts, are guilty of the groſeſt affectation. For no one can ſuppoſe, that from the diſplay they are pleaſed to make of their own principles, that any reſtriction by treaty would bind them to reſpect the rights it contracted for.

APPENDIX.

APPENDIX.

LETTER

FROM THE PRESIDENT OF THE UNITED STATES, TO THE SELECTMEN OF BOSTON.

THE SELECTMEN *inform their fellow-citizens, that agreeably to their directions, they forwarded the Resolutions, respecting the pending Treaty between Great-Britain and the United States, to THE PRESIDENT, and have received from him the following Answer:*

EZEKIEL PRICE, THOMAS WALLEY, WILLIAM BOARDMAN, EBENEZER SEAVER, THOMAS CRAFTS, THOMAS EDWARDS, WILLIAM LITTLE, WILLIAM SCOLLAY and JESSE PUTNAM, Esq'rs. Selectmen of the town of *Boston*—

GENTLEMEN,

IN every act of my administration, I have sought the happiness of my fellow-citizens. My system for the attainment of this object has uniformly been, to overlook all personal, local and partial considerations; to contemplate the *United States*, as one great whole; to consider, that sudden impressions, when erroneous, would yield to candid reflection; and to consult only the substantial and permanent interests of our country.

Nor have I departed from this line of conduct, on the occasion which has produced the Resolutions contained in your letter of the 13th inst.

Without a predilection to my own judgment, I have weighed with attention every argument which has at any time been brought into view. But the Constitution is the guide which I never can abandon. It has assigned to the President the power of making treaties, with the advice and consent of the Senate. It was doubtless supposed, that these two branches of government would combine, without passion, and with the best means of information, those facts and principles, upon which the success of our foreign relations will al-

ways depend: That they ought not to ſubſtitute for their own conviction, the opinion of others; or to ſeek truth through any channel but that of a temperate and well informed inveſtigation.

Under this perſuaſion, I have reſolved on the manner of executing the duty now before me. To the high reſponſibility, attached to it, I freely ſubmit; and you, gentlemen, are at liberty to make theſe ſentiments known, as the grounds of my procedure. While I feel the moſt lively gratitude for the many inſtances of approbation from my country; I can no otherwiſe deſerve it, than by obeying the dictates of my conſcience. With due reſpect, I am, Gentlemen, your obedient,

G. WASHINGTON.

United States, 26th July, 1795.

AUGUST 15, 1795.

BOSTON CHAMBER OF COMMERCE.

AT a large and reſpectable meeting of the *Boſton Chamber of Commerce*, convened at the requeſt of a number of the Members, and held at their hall, on Tueſday, *Auguſt* 11th, 1795, by adjournment, to conſider of, and expreſs their ſentiments relative to the TREATY made by Mr. JAY, in behalf of the United States with Britain.

A motion was made to have the Treaty read, which was done: It was then moved to diſcuſs and paſs upon the Treaty article by article—this motion was objected to, becauſe the ſubject had been ſo fully and ſo publicly diſcuſſed, and the members had had ſo much time to ſtudy the Treaty, and deliberately to form their opinion, that every one muſt be ready for the queſtion—it was therefore diſpenſed with.

A motion was then made in the words following, viz;

Reſolved, As the opinion of the Chamber, that the recommendation of the Senate to the Preſident of the United States, to ratify the Treaty, as amended by them, was wiſe and prudent, becauſe

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it ſettles in a fair amicable manner, points of difference between the two nations, which muſt otherwiſe neceſſarily ſubject our country to a humiliating ſubmiſſion to Britiſh impoſitions and injuries, or induce a war, with all its horrors and diſtreſſes, to ſuch redreſs; and becauſe, when conſidered collectively, the tendency of the Treaty muſt be to promote and extend, rather than to injure and reſtrain our commerce.

This motion gave riſe to a lengthy and free diſcuſſion of the ſubject at large, after which the queſtion was put by the Preſident when the ſame was adopted with one diſſentient only.

Another motion was then made in the words following, viz.

Reſolved therefore, that the Chamber cannot but lament and diſapprove every attempt to excite an oppoſition to the Treaty in the minds of the people, and to detach their confidence from the government of the Union—becauſe in a free government like ours, a firm reliance of the people in the wiſdom and integrity of thoſe authorities, which they have themſelves conſtituted to manage their public concerns, and a chearful acquieſcence in the deciſions of rulers of their own appointment, are indiſpenſible to ſecure the peace, the honor, and the happineſs of the community.

This motion was alſo put by the Preſident after a ſhort diſcuſſion, and was adopted with one diſſentient only.

Another motion was then made in the following words, viz;

Reſolved, That the Preſident of the Chamber be requeſted to forward an authenticated copy of the preceding reſolutions to the Preſident of the United States, and to publiſh the ſame in the public Newſpapers.

This motion was put alſo and paſſed unanimouſly,

The queſtion upon the whole was then put by the Preſident after a few obſervations, and paſſed unanimouſly in the affirmative.

Copy, THOMAS RUSSELL, *Preſident.*

A true copy from the records of the Boſton Chamber of Commerce.

HENRY PRENTISS, *Secretary.*

The

The following were published in the COLUMBIAN CENTINEL, *Aug.* 19.

MR. RUSSELL,

THE inclosed Dissent to the doings of the town, at their late Meeting, relative to the Treaty, was designed to collect, provisionally, the sentiments of the Merchants and Traders upon that subject. It was not at first intended for publication; but the repeated false assertions made in the *Chronicle*, "that the Merchants unanimously approved the town's objections to the Treaty," have made it necessary to publish the Dissent, to undeceive the public. If you have not room to insert all the names, you will at least include all the merchants and ship owners.

DISSENT.

WHEREAS the votes adopted at a late meeting of this town, relative to the Treaty of Amity, Navigation and Commerce, between the United States and his Britannic Majesty have been represented as expressing the unanimous sentiments of the merchants and other inhabitants upon that subject,

We the subscribers, unwilling to be implicated in the number of those, who approve of the doings of that meeting, and reserving to ourselves the right of expressing our opinion individually upon the merits or demerits of public measures, do hereby declare our disapprobation of and dissent from the votes of said meeting;

BOSTON, JULY 15, 1795.

Thomas Russell, William Mackay, Mungo Mackay, John C. Jones, Joseph Russell, Charles Miller, Samuel G. Perkins, David Sears, Theodore Lyman, William Wetmore, William Powell, Francis Butler, Edward Edes, Alexander Hill, Stephen Codman, Henry Smith, Joseph Coolidge, Jonathan Mason, William Phillips, jun. *Charles Sigourney, Charles Vaughan, Stephen Higginson, William Shattuck, Daniel Sargent, Thomas Amory, James Perkins, Daniel Sargent*, jun. *Samuel Blagge, Samuel Parkman, William Parsons, Lemuel Gardner, William Brown, Timothy Williams, Eben Parsons, Joseph May, B. C. Cutler,*

Cutler, Gorham Parſons, Henry Newman, Samuel Elliot, Samuel Gardner, M. C. Groves, David Pearce, jun. *Sylvanus Gray, Samuel Paine, Thomas Thompſon, Benjamin Homer, John Gray, Joſeph Head, Eliſha Sigourney, William Bordman,* jun. *Simon Elliot, Joſeph Foſter, Perrin May, John May, Jonathan Merry, Nathan Goodale, Joſeph Roby, Nathaniel Goodwin, Ephraim Elliot, Eliakim Morſe, Iſaac Davis, Henry Hill, Jeremiah Khaler, George Domet, Joſeph Howard, Jedediah Parker, John T. Sargent, John Codman, David Greene, Allen Crocker, Joſeph Laughton, Joſeph Laughton, Joſeph Pope, Henry Hunter, Samuel Wallis, James Cutler, Benjamin Buſſey, John Amory,* jun. *P. Conner, Samuel Saliſbury, Francis Amory, Minot Thayer, Samuel Miller Thayer, Joſeph Ripley, Nathaniel Balch, William Richardſon, Joſeph Carnes, John Winſlow, Thomas Greenleaf, Lewis Carnes, Edward Cuſhing, Luke Baker, Samuel Sumner, William Spooner, Thomas Brewer, Stephen Higginſon,* jun. *Samuel Saliſbury,* jun. *Paul Revere, J. Buſſey, Jeremiah Bumſtead,* jun. *Joſhua Davis,* jun. *Robert Davis, Joſiah Knap, Edward Edes,* jun. *Joſeph Huſſey, William Mackay,* jun. *William Stackpole, Charles Miller,* jun. *Lewis Hayt, William Stevenſon, Iſaac Rand, Benjamin Ruſſell, Ebenezer Lewis, Samuel Smith, Iſaac Davis,* jun. *William Dall, Joſiah Quincey, James Clark, John Creaſe, William Cravath, Lemuel Hayward, Joſeph Whipple, Edward Tuckerman, Nathaniel Curtis, Ezra Whitney, Ephraim May, Richard Faxon, Daniel Greenleaf, Ebenezer Frothingham, Moſes May, Stephen Rawſon, Samuel Davenport, Samuel Sprague, Moſes W. Dana, Iſaac Voſe, A. Langford, Daniel Weld, Zeva Thayer, Aaron Warren, David Cobb, Samuel Bowen, John Williams, B. Butler, Thomas Dennie, John M'Lean, Charles Voſe, Rufus Davenport, William Porter, John Boſſon, William Wood, John Oſborne, L. Edes, Robert Robbins, Benjamin Feſſenden,* jun. *Eliſha Ticknor, John Kennedy, Samuel Ridgway, Francis Greene, Amos Lincoln, William Smith, Thomas Curtis, John Howe, Benjamin Sumner,* jun. *John Webb Checkley, Joſeph Crocker, Moſes Eayres, William Elliſon, Daniel Bates, John Homans, Jonathan Hunnewell, James Ray, P. R. Dalton, Henry Roby, Redford Webſter, Thomas Hearſey, Samuel Beales, Andrew Leach, Samuel Danforth.*

BRITISH MUSEUM